

Exhibit 1

Excerpts from the Deposition of
Dr. Jacob Grumbach
April 25, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LEAGUE OF UNITED LATIN)	
AMERICAN CITIZENS, ET AL,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.:
VS.)	3:21-CV-00259-DCG-JES-JVB
)	[Lead Case]
GREG ABBOTT, ET AL,)	
)	
Defendants.)	
)	

REMOTE ORAL DEPOSITION OF

DR. JACOB GRUMBACH

APRIL 25, 2025

REMOTE ORAL DEPOSITION OF DR. JACOB GRUMBACH,
produced as a witness at the instance of the
DEFENDANT, and duly sworn, was taken in the
above-styled and numbered cause on April 25, 2025,
from 11:02 a.m. to 7:39 p.m., via Zoom
teleconference, before Vanessa J. Theisen, CSR in and
for the State of Texas, and RPR, reported by machine
shorthand, pursuant to the Federal Rules of Civil
Procedure and any provisions stated on the record or
attached hereto.

1 documents unless we have an issue with the Zoom.

2 A. Understood.

3 Q. Okay. And how many reports have you
4 prepared in this matter?

5 A. Overall, in 2022, I believe there were four
6 separate reports I prepared; then prepared a
7 March 31st report and an April 16th report in 2025.

8 Q. And you prepared two reports recently,
9 correct?

10 A. That's correct, as well as an errata report,
11 I should also mention.

12 Q. And what was the nature of that report, the
13 errata?

14 A. The errata was due to the discovery of a
15 coding error I had made in analyses. I fixed that
16 coding error and provided the corrected estimates.

17 Q. And of the two reports that you prepared
18 recently, one was the March 31st, 2025, report. Is
19 that correct?

20 A. That's correct.

21 Q. And the second was a, was it, April 16th
22 report?

23 A. That's the date, I believe, yes.

24 Q. The April report was an update of the March
25 report. Is that right?

1 as well?

2 THE WITNESS: Sorry about that. "Given
3 my sample frame."

4 THE REPORTER: Thank you.

5 Q. (BY MR. BERG) And what was the timeframe of
6 your report?

7 A. This covers elections from 2014 through
8 2024.

9 In the endogenous elections, those cover
10 2022 and 2024 because those are the elections that
11 involve the specific endogenous districts being
12 challenged rather than their earlier geographic forms
13 in the previous redistricting cycle.

14 Q. So for exogenous elections, you included
15 elections for 2020 -- I'm sorry -- 2014 and 2024. Is
16 that correct?

17 A. That's correct.

18 Q. And then endogenous, you included 2022 to
19 2024. Is that correct?

20 A. That's correct.

21 Q. What is the difference between an endogenous
22 election and exogenous election?

23 A. An endogenous election is an election for
24 the specific seats that occupy the districts that are
25 being contested legally.

1 Exogenous elections are elections in
2 other statewide or district-based geographies that
3 cover the voters that are within the endogenous
4 district boundaries.

5 **Q. We talked a little bit about ecological**
6 **inference. Did you use iterative EI in this report?**

7 A. Can you tell me what you mean by "iterative
8 EI"?

9 **Q. Did you run your results more than once?**

10 A. Oh, in a -- that's not my understanding of
11 "iterative" in the statistical sense, but I ran my
12 analyses more than once to check them and so forth.

13 **Q. Approximately how many times did you run**
14 **your results to check them?**

15 A. Running in full across this -- these --
16 between getting the data in late March and now, I
17 probably ran ten small runs of subsets as well as
18 potentially five full runs of all the elections.

19 **Q. Among the elections listed here, did you**
20 **come across any elections that fit these categories**
21 **that you did not include in the report?**

22 A. No. My goal, again, was to find all -- all
23 racially contested exogenous statewide elections
24 since 2014 and all endogenous elections since 2022.

25 And, as I said, this involves looking

1 1,000 EI estimates involved in my report across many
2 districts and elections. I looked at those estimates
3 and checked them many, many times.

4 **Q. You talked about how racially contested**
5 **elections would be a Latino running against a**
6 **non-Latino. How did you treat elections where there**
7 **were two candidates and both were Latino?**

8 **A. Right. I did not include those as racially**
9 **contested elections because they don't involve**
10 **candidates from different racial backgrounds**
11 **contesting an election.**

12 **Q. And the endogenous elections, the ten**
13 **endogenous elections, it doesn't mention in your**
14 **report that those are racially contested, but is that**
15 **your understanding that those ten are all racially**
16 **contested?**

17 **A. No. My sample frame there was any**
18 **endogenous election with a Latino candidate running.**
19 **So I am confident that they all have at least one**
20 **Latino candidate, but there may be one or more**
21 **elections between all Latino candidates in the**
22 **endogenous election sample frame.**

23 **Q. So every endogenous election you analyzed**
24 **had at least one Latino candidate, correct?**

25 **A. That's correct.**

1 whether legislators used partisanship in drawing maps
2 in 2021 or 2023?

3 A. Again, there is no legislative intent that I
4 analyze or look into it as any part of my reports.

5 Q. And let's go to page 4 of your report,
6 Qualifications.

7 A. Yes, sir.

8 Q. Perhaps we should have gone straight there,
9 but here we are.

10 In the first paragraph you talk about
11 how this report is a revised version of your
12 March 31st, 2025, report, correct?

13 A. Yes, sir.

14 Q. Generally, why did you revise that report?

15 A. I revised the report, as I say there,
16 because the plaintiffs revised their geographic
17 boundaries of some of their proposed districts.

18 Q. Are you making any expert conclusions about
19 the challenged districts that are in the March 2025
20 report and not this report?

21 A. Am I -- can you repeat the question? Sorry.

22 Q. Are you making any expert conclusions about
23 the districts LULAC is challenging that are in the
24 March 2025 report but not in this report?

25 A. No, my conclusions are generally consistent

1 across these reports.

2 **Q. So no separate conclusions in the March 2025**
3 **report, correct?**

4 **A. If I recall correctly, the conclusions I**
5 **draw about cohesive voting in -- Latino cohesive**
6 **voting in demonstrative districts and non-Latino bloc**
7 **voting in enacted districts as well as non-Latino**
8 **bloc voting in challenged districts are generally**
9 **consistent across those reports.**

10 **Q. Okay. There was one conclusion which I**
11 **think related to the districts you were being asked**
12 **to analyze that was slightly different, so --**

13 (Simultaneous talking.)

14 **A. Understood. I did not understand that as a**
15 **different conclusion, but rather a different district**
16 **sample.**

17 **Yes, I removed -- in this April 16th**
18 **report, removed references and analyses related to**
19 **districts that are no longer being challenged by the**
20 **plaintiffs.**

21 **Q. Perfect.**

22 **A. Thanks.**

23 **Q. You are currently a professor at the**
24 **University of California Berkeley, correct?**

25 **A. Yes, sir. Go Bears.**

1 Q. -- from MALDEF, correct?

2 A. Correct.

3 Q. And it says you received data on
4 demonstrative new districts and demonstrative
5 repaired districts on June 8th, 2022, correct?

6 A. "I received a list of which electoral
7 precincts are located within LULAC's Demonstrative
8 Districts that are Demonstrative New Districts and
9 Demonstrative Repaired Districts from MALDEF on
10 June 8th, 2022." Thank you.

11 Q. And did you verify that data?

12 A. Like the other data I received, yes, I
13 validated it, first by opening and looking visually
14 at the spreadsheets of data, and then by sort of
15 loading those datasets and using them in analyses and
16 attempting to ensure that those analyses functioned
17 correctly.

18 Q. And did you also validate the crosswalk data
19 that you received on April 10th, 2025 and April 14th,
20 2025?

21 A. I similarly did that. That was for
22 crosswalk data for three revised demo districts.

23 Q. Then, skipping ahead to the paragraph on
24 page 5 that starts with, "Most importantly," talking
25 about SSVC. So SSVC versus SSVR, how does that

1 Q. -- 6 and 7.

2 A. Thank you for taking me through that. Sorry
3 for the wild goose chase.

4 THE REPORTER: Yes, and I need you guys
5 to talk one at a time, please. Y'all are starting to
6 talk over each other. I can't get either one of you
7 when you do that.

8 THE WITNESS: Sorry, Ms. Theisen.

9 MR. BERG: I apologize.

10 THE REPORTER: That's okay.

11 Q. (BY MR. BERG) So we're currently in the
12 April 2025 report, which says that among voters in
13 Demonstrative Congress District 27, Maldonado won --
14 would have won 72 percent of the Latino vote and
15 36 percent of the non-Latino vote.

16 And in the March report, it had said
17 that at the bottom of page 4, top of page 5,
18 Maldonado would have won 77 percent of the vote and
19 35 percent of the non-Latino vote.

20 The question is: Why did the analysis
21 change so that Maldonado would have lost 5 percent of
22 the Latino vote and gained 1 percent of the
23 Latino [sic] vote between March and April?

24 A. So as I mentioned in my errata, which I am
25 sorry for its -- the timing of it being close to this

1 deposition -- those earlier estimates in both of
2 those earlier reports were from the Exogenous
3 Elections.xlsx appendix file, which was -- had
4 incorrect results due to a coding error.

5 I then fixed it and rewrote those
6 corrected estimates in the errata and redid the
7 figure there. I extremely regret the coding error,
8 and I'm glad I fixed it, and I thank Dr. Alford for
9 sort of noting in one report that there may be some
10 issue, that it's -- you know, I deeply regret that
11 error.

12 The current estimates in the errata are
13 correct. But, regardless, the point -- the takeaway
14 point is in every single one of these estimates,
15 whether it's the March 31st report, April 16th
16 report, or the errata, the conclusions are not any
17 different.

18 I observed cohesive Latino voting for
19 Maldonado. I observed non-Latino bloc voting against
20 Maldonado and that Maldonado would not win the
21 election in enacted CD27 but would be the winner
22 within demonstrative CD27.

23 MR. BERG: Can we go off the record,
24 please?

25 THE REPORTER: Yes. Off the record at

1 1:39.

2 (Recess 1:39 p.m. to 1:50 p.m.)

3 Q. (BY MR. BERG) Dr. Grumbach, before we went
4 off the record, you mentioned an errata report?

5 A. That's right.

6 Q. Is that the same as the April report or
7 different?

8 A. It's different from this April report we're
9 looking at. It's a one-page errata with an attached
10 corrected Exogenous Elections.xlsx appendix file.

11 Q. And are -- did you provide this to your
12 counsel?

13 A. Yes, I did.

14 Q. And do you know if your counsel provided it
15 to State defendants?

16 A. They told me they did, yes.

17 MS. HULETT: Yes, we did.

18 Q. (BY MR. BERG) And counsel is there with you
19 right now?

20 MS. HULETT: Yes, I'm here. This is
21 Denise.

22 Yes, we provided it yesterday morning.
23 It's a one-page exhibit with the exogenous elections
24 appendix attached because some of those were changed.

25 I can forward you that email as soon as

1 I find it.

2 MR. BERG: Yes, if you could forward me
3 the email sending the errata --

4 MS. HULETT: I will.

5 MR. BERG: -- report to us. You have my
6 email presumably?

7 THE WITNESS: Do you have Zachary Berg's
8 email?

9 MS. HULETT: What?

10 MR. BERG: Do you have my email?

11 THE WITNESS: So you can send it
12 directly, I guess.

13 MS. HULETT: I'm still looking for it.
14 Hang on. Okay. So this is -- no, wrong day.
15 Wednesday, Thursday.

16 Yeah, we sent it to 32 people. So,
17 unfortunately, I guess, you weren't one of them.

18 MR. BERG: Well, was it someone at
19 Texas --

20 MS. HULETT: Oh, yeah.

21 MR. BERG: -- dot gov?

22 MS. HULETT: Absolutely. So it's --
23 what's your email?

24 MR. BERG: Zachary.Berg@oag.Texas.gov.

25 MS. HULETT: OAG-dot-Texas-dot-gov or

1 slash?

2 MR. BERG: Period.

3 MS. HULETT: Period. Did you get it?

4 MR. BERG: Not yet.

5 MS. HULETT: I think I got the address
6 wrong. Let me get it off of the --

7 MR. BERG: Z as in zebra. A as in
8 apple. C as in Charlie. H as in Henry.

9 MS. HULETT: Yeah, I think I got the
10 Zachary Berg. I may just have the ending wrong.

11 MR. BERG: At OAG.

12 MS. HULETT: Uh-huh.

13 MR. BERG: Dot Texas dot gov.

14 MS. HULETT: Yep. That's where I sent
15 it.

16 THE WITNESS: Sometimes they take a
17 second with attachments and stuff.

18 MS. HULETT: Yeah.

19 THE WITNESS: It's not in your outbox?

20 MS. HULETT: No, it didn't bounce back,
21 and it shows sent.

22 THE WITNESS: Okay.

23 MR. BERG: While I'm waiting for it to
24 come through, can you tell me who at the AG's office
25 it was sent to?

1 MS. HULETT: It was sent to Ryan
2 Kercher, Will Wassdorf, Kathleen Hunker --

3 THE REPORTER: Do you want all this on
4 the record?

5 MR. BERG: Yes.

6 THE REPORTER: Okay. I'm going to need
7 a copy to get all the spellings of the names.

8 Okay. Go ahead, please.

9 MS. HULETT: How do you want that copy?

10 THE WITNESS: Just keep saying them.

11 MS. HULETT: Okay. Ryan Kercher, Will
12 Wassdorf, W-A-S-S-D-O-R-F. Kathleen Hunker,
13 H-U-N-K-E-R. And then there's some gmail and ymail.
14 I'm not sure. And then you, Zachary.Berg.oag.texas.gov,
15 Zachary Rhines, Mark Csoros, Kyle Tebo, David Bryant,
16 and then one -- Munera, maybe, M-U-N-E-R-A.

17 MR. BERG: Munera.

18 MS. HULETT: And then Ali Thorburn.
19 Those are the ones with oag.texas.gov addresses,
20 including Zachary Berg.

21 MR. BERG: And what date -- what time
22 was it sent yesterday?

23 MS. HULETT: 7:25 a.m. in the morning.

24 MR. BERG: I don't have it. I've
25 confirmed with Kathleen Hunker and Ryan Kercher; they

1 don't have it either.

2 MS. HUNKER: This is Kathleen Hunker
3 from the Texas Attorney General's Office. I'm sorry
4 to intrude on the deposition, only I did hear about
5 the question over the errata sheet. I can confirm,
6 after checking with David Bryant, also with Ryan
7 Kercher, who is our lead counsel, and myself, who has
8 been counsel on this case for four years, we have not
9 received this particular email.

10 I do not know why, but it has not -- it
11 has not been brought to our attention through email
12 correspondence.

13 MS. HULETT: Okay. I just forwarded it
14 to you. Did you get it? I just forwarded it to
15 Zach.

16 MR. BERG: I have not received it.

17 MS. HULETT: That's very strange.

18 MR. BERG: That's a word for it, yes.

19 MS. HULETT: That's very strange. You
20 know, there must be some internal --

21 MR. BERG: Let's go off the record,
22 please.

23 THE REPORTER: Off the record at 1:58.

24 (Recess 1:58 p.m. to 2:54 p.m.)

25 Q. (BY MR. BERG) Dr. Grumbach, when we went

1 off the record, we were talking about an errata
2 report, correct?

3 A. That's correct.

4 Q. Let me share my screen. Can you see my
5 screen, Dr. Grumbach?

6 A. Yes, sir.

7 Q. Can you see what is displayed on my screen?

8 A. It says, "Expert Report: Errata to
9 Exogenous Elections Appendix."

10 Q. And that is dated April 23rd, 2025, correct?

11 A. Correct.

12 MR. BERG: And before we get into this,
13 I would like to ask counsel on the record to please
14 provide the State defendants through Box so we have a
15 copy.

16 MS. HULETT: I'm sorry. You want me to
17 what?

18 MR. BERG: Would you please drop the
19 errata report to us through Box, please.

20 MS. HULETT: I did. Oh, through Box?

21 MR. BERG: Yes.

22 MS. HULETT: I can't do it from here. I
23 can ask them to do it in San Antonio.

24 MR. BERG: Understood.

25 MS. HULETT: And I'll do that right now.

1 MR. BERG: Including the original email,
2 please, for our records.

3 MS. HULETT: Okay. Sent.

4 Q. (BY MR. BERG) So Dr. Grumbach, if I
5 continue on to page 2 of this errata report --

6 A. Yes.

7 Q. -- from April 23rd, you explain that this
8 report was produced in response to an inadvertent
9 coding error. Would you briefly cover the background
10 for this report?

11 A. Yes, sir. I noted in Dr. Alford's
12 April 16th report, he pointed out that some either EI
13 estimates or the election winners corresponding to
14 them seemed potentially off.

15 I then went through those estimates and
16 my code very thoroughly, and I did eventually -- it
17 took me a while to find, but essentially a one-word
18 reference to a data object within the statistical
19 program R was mis-referenced in calling up data by
20 district and then election to erroneously not load
21 the complete precinct sets for district elections.

22 I found that error, corrected it, reran
23 those analyses, and provided the corrected results,
24 and I'm -- it's -- I just deeply regret the error as
25 well and appreciate it being pointed out.

1 And this election was one of the 42
2 exogenous elections used to run all your -- or a
3 majority of your district analyses.

4 How can you confidently state that this
5 change does not affect those analyses?

6 A. This change affected the analyses that went
7 into that Exogenous Elections.xlsx file. I know that
8 because the actual structure of the code is those
9 election by election within district analyses were
10 run in a part of this code file and -- that referred
11 to elections modeling.

12 I had a separate code file for the
13 overall average district-based support across
14 multiple elections for Latino candidates of choice.
15 So that was not affected, and the section on
16 endogenous elections comes later in the code file and
17 is not affected by this coding error.

18 The coding error is specific to calling
19 up specifically the data for election-by-election EI
20 analysis that produced that Exogenous Elections.xlsx
21 file.

22 **Q. So let me try to summarize for my own**
23 **clarification, and correct me where I'm wrong.**

24 **There was two processes. The error was**
25 **in one processes that only affected that election.**

1 And there was a second processes of the 42 elections
2 that you ran the district numbers against that was
3 unaffected. Is that correct?

4 A. Generally.

5 I'll restate this. There's a portion of
6 the code that does the election-by-election analysis
7 that was affected by this coding error. And the rest
8 of the coding, including the district overall
9 election numbers, was not. And I've -- you know,
10 therefore I reran the analyses to provide the
11 corrected results.

12 Q. You said that the process with the district
13 overall numbers was unaffected, correct?

14 A. That's correct.

15 Q. Is there a more proper name for that
16 district overall numbers process?

17 A. No.

18 Q. A name or something?

19 A. Just -- I call them -- if we pull up my
20 other report, I believe I called them average Latino
21 and non-Latino support for Latino candidates of
22 choice by district as opposed to election-by-election
23 analyses. But we can together decide to put a proper
24 name on it for shorthand.

25 Q. So the part that was unaffected you call the

1 **average Latino support?**

2 A. I called it in this sentence the average
3 Latino and non-Latino support for Latino candidates
4 of choice in demo districts as well as average
5 non-Latino support for the Latino candidates of
6 choice in overlapping enacted districts. But we
7 should find a quicker name for this so we can
8 remember what we're talking about.

9 Q. It was a long one. So average Latino and
10 non-Latino support for --

11 A. Latino candidates of choice. We can call
12 this something like average district analysis or
13 district-based analysis as opposed to
14 election-by-election analysis. Perhaps that would be
15 a quick way of describing it.

16 Q. Is it all right if I call it average
17 district analysis?

18 A. Sure. I'm happy with that.

19 Q. So the average district analysis is
20 unaffected by this coding error which occurred in
21 another process. Is that correct?

22 A. That's correct, yeah. And that was
23 something I checked for.

24 Q. And this document relates to exogenous
25 elections. I wanted -- we talked earlier about

1 would have chosen a different --

2 A. Same. Same here.

3 Q. What I'm asking is if there is no Latino --
4 if the Latinos are not voting cohesively, can
5 non-Latinos fail GINGLES 3?

6 A. So I would say -- I would hesitate to make a
7 legal designation on this question as a political
8 scientist, but in my political science expertise, I
9 would say that a Latino candidate of choice is
10 defined as the candidate who gets the most votes from
11 Latinos that may or may not be cohesive voting in
12 different contexts. And that is a separate question
13 from whether non-Latinos vote as a bloc against that
14 Latino candidate of choice.

15 Q. Let's go back to Table 1, now that we've
16 laid the ground.

17 So the -- we talked a little about where
18 you got your data, and some about -- it sounded like
19 most of the data you got from MALDEF counsel. Some
20 of the identification of candidates' race was done by
21 you and maybe some by MALDEF.

22 Could you talk more about how that
23 process worked?

24 A. Sure.

25 In 2022, I received precinct-level vote

1 share data as well as crosswalks of how precincts or
2 VTBs fit into different district boundaries; did some
3 analyses back in 2022.

4 Then in 2025, the plaintiffs' counsel
5 reached out again and said, you know, "This case is
6 moving forward. We would like -- you know, the Court
7 needs to know these questions. Please write a
8 report," and provided data for the 2022 and 2024
9 election cycles on those same types of data:

10 Crosswalk data and election returns data at the
11 precinct level.

12 Along the way, the counsel provided the
13 list of elections that were -- involved Latino
14 candidates and non-Latino candidates within there.
15 So they essentially provided data on racially
16 contested elections.

17 And then I worked to verify, to the
18 extent I could, the veracity of -- that these
19 elections are racially contested.

20 **Q. Sorry, I missed -- I must have cut out a**
21 **second there.**

22 **Someone provided you the data and then**
23 **you verified. Who provided the data on the race?**

24 **A. So in MALDEF's election returns data set,**
25 **they provided data on racially contested elections**

1 involving at least one Latino and at least one
2 non-Latino candidate. And then on my own, I
3 visionally inspected these candidate names, looked up
4 information on the internet to try to gain some
5 qualitative understanding of these electoral contexts
6 and whether candidates were Latino or not.

7 Q. So MALDEF provided the data, and then you --
8 you reviewed the data to confirm the accuracy?

9 A. Correct.

10 Q. I had a question on the primary elections.
11 And let me open the document.

12 A. Sure.

13 Q. All right. Actually, we'll just skip -- I
14 think we can show by logic, but if not, we can find
15 the document.

16 So my question is, the 2018 Democratic
17 primary for governor --

18 A. Yes.

19 Q. -- here is listed and also the Democratic
20 runoff for governor is also listed. So you would
21 include both the primary and the runoff, correct?

22 A. Yes. Both of those are separate elections
23 where Texans expressed their preferences at the
24 ballot box on separate occasions on a separate choice
25 set, and, therefore, they're both analyzed, yeah.

1 Q. All right. And because a primary runoff
2 would be racially contested, that is have at least --
3 or have a Latino and a non-Latino necessarily, the
4 primary would also be racially contested. Is that
5 correct?

6 A. That's correct.

7 Q. So my question was there are four elections
8 listed that are runoffs, but the primaries aren't
9 included. Those four elections are the 2022
10 Democratic runoff for attorney general, the 2022
11 Democratic runoff for comptroller, the 2022
12 Democratic runoff for land commissioner, and the 2022
13 Republican runoff for attorney general.

14 The primary elections should be included
15 on this list as well, right?

16 A. I am not sure, but, given this logic of
17 runoff candidates must have been in the earlier
18 primary election and that means that earlier primary
19 election was racially contested, I would like to
20 check those primary elections. But if that is the
21 case, those would be elections I would like to
22 analyze under this sample frame.

23 Q. So I've pulled up -- the top you see from
24 BallotPedia. We have the Texas Gubernatorial
25 election 2018, Democratic primary. And so this is

1 what we talked about where this is listed on your
2 report, correct, the 2018 Democratic primary for
3 governor?

4 A. Would you please go back to my report?
5 Sorry about that.

6 Q. Yeah, sorry.

7 A. No, it's my own bad memory, I guess.

8 Yes, thank you very much.

9 Q. And then Lupe Valdez, presumably Latino?

10 A. Presumably, correct.

11 Q. Latino?

12 A. Presumably Latino, you're right.

13 Q. And then Lupe Valdez also in the primary
14 runoff, correct?

15 A. Correct.

16 Q. And you list the runoff as well, correct?

17 A. (No response.)

18 Q. The Democratic primary runoff, Rochelle
19 Garza, I believe, is Latino or Latina.

20 A. That's my understanding.

21 Q. And you -- what was that, attorney general?
22 So, yeah, you list that election on your report,
23 correct?

24 A. Correct.

25 Q. The primary, which also involved Rochelle

1 Garza and a non-Latino, does not appear on your
2 report, correct?

3 A. That appears to be true.

4 Q. Moving on to the 2022 comptroller.

5 The primary runoff, which you list on
6 your report, includes Janet Dudding and Angel Vega?

7 A. Correct.

8 Q. Angel Vega also appearing with Janet Dudding
9 in the 2022 Democratic primary for Texas comptroller,
10 correct?

11 A. Correct.

12 Q. And that election is not listed on this
13 list, correct?

14 A. That's correct.

15 Q. So going to the 2022 Democratic runoff for
16 land commissioner, we have Jay Kleberg, no relation,
17 and Sandragrace Martinez. And you include that
18 election on your report, correct?

19 A. Correct.

20 Q. However, the primary election, which also
21 includes those two individuals, Sandragrace Martinez
22 and Jay Kleberg, the 2022 Democratic primary for land
23 commissioner, does not appear on your report,
24 correct?

25 A. Correct. At least in this Table, I should

1 say. I want to make sure I also did not analyze that
2 and put them in the results.

3 Q. The last runoff you list on your report is
4 the 2022 Republican runoff for governor, correct?

5 A. Correct.

6 Q. Another Bush election. We have Ken Paxton,
7 my employer for disclosure purposes, versus George P.
8 Bush. And you list that on your report, correct?

9 A. Correct.

10 Q. However, Ken Paxton and George P. Bush,
11 along with Eva Guzman, appear as candidates in the
12 2022 Republican primary election for attorney
13 general, correct?

14 A. Correct.

15 Q. And that report should have been included --
16 that election also should have been included in your
17 report, correct?

18 A. Given my sample frame of racially contested
19 statewide elections, yes, I would like to include
20 those primary elections in this analysis.

21 Q. So you would agree that there are four
22 elections not listed here that qualify for the
23 parameters of the elections you've selected?

24 A. Given what you have presented me, it seems
25 likely that there are four racially contested

1 statewide elections that I would like to include,
2 given this sample frame, yes.

3 MR. BERG: I'm going to drop that in the
4 chat and mark that PDF with the elections that are
5 and are not included on Table 1 of your report as
6 Defendants' Exhibit 6 [sic].

7 (Exhibit 7 marked.)

8 Q. So in addition to the four primary elections
9 that appear to be missing, I have a question --
10 questions about a few of the general elections.

11 First, I would like to ask you,
12 generally, about the 2022 governor's race.

13 Let me bring up a document.

14 THE REPORTER: Mr. Berg, we already had
15 an Exhibit 6. So that last --

16 MR. BERG: Thank you.

17 THE REPORTER: -- exhibit that you
18 dropped in the chat will be Exhibit 7.

19 Q. (BY MR. BERG) Can you see the election on
20 my screen, Doctor?

21 A. I have the report with that Table
22 highlighted and the -- I'm sorry.

23 Q. Re-sharing the screen.

24 A. Great.

25 Q. Do you see the elections on my screen now?

1 Q. Going back to your report, Doctor, Table 1,
2 general elections, the -- we agree that all of the
3 general elections listed on this Table should include
4 at least one Latino and one non-Latino, correct?

5 A. That was my goal for this exogenous election
6 sample frame, yes. A racially contested election as
7 defined in this case as being at least one Latino and
8 at least one non-Latino candidate on the ballot.

9 Q. So one of the elections you list, Court of
10 Criminal Appeals, Place 7 for the 2024 general
11 election. Do you see that?

12 A. Yes.

13 Q. If you go to this document, we have -- you
14 will see it's also from BallotPedia, correct?

15 A. Yes.

16 Q. And it shows the general election for
17 Place 7 of the Texas Court of Criminal Appeals,
18 correct?

19 A. Yes, Court of Criminal Appeals, Place 7.

20 Q. And the two candidates' names are Gina
21 Parker and Nancy Mulder. Is that correct?

22 A. Correct.

23 Q. Are you aware of whether either of these
24 women are Latina?

25 A. Off the top of my head, I cannot recall.

1 Q. We'll go to the next page. You will see
2 this is a Google chat with the search terms "Gina
3 Parker Texas Court of Criminal Appeals Latino or
4 Hispanic."

5 Did I read that correctly?

6 A. Yes.

7 Q. And I represent to you that all of these --
8 or almost all of these search results show that the
9 word "Latino" or "Hispanic" returns no hits. Is that
10 correct?

11 A. That appears to be what you're showing me.
12 I would like to do my own searching for a confident
13 answer to this question. But it's in your search
14 that -- you're describing your search results
15 accurately.

16 Q. If you go to page 5, "Nancy Mulder Texas
17 Court of Criminal Appeals Latino or Hispanic."

18 Do you see that?

19 A. Yes.

20 Q. And, likewise, Nancy Mulder --

21 A. I'm seeing this, yes.

22 THE REPORTER: Someone just joined via
23 telephone, and it's causing an echo. I'm going to
24 see if I can mute them.

25 THE WITNESS: Yeah, it's that telephone.

1 THE REPORTER: Yeah. Okay. I think I
2 muted them.

3 Q. (BY MR. BERG) But, Doctor, you see Nancy
4 Mulder --

5 A. Yes.

6 Q. -- not returning any results for Latino or
7 Hispanic, correct?

8 A. I'm seeing that. Typically, when I Google
9 even a non-Latino person's name and the word "Latino"
10 or "Hispanic," it returns something, even like, you
11 know, particularly for a statewide electoral
12 candidate. What -- that may not describe them as
13 Latino, but I'm slightly confused by the Google
14 results you're showing me. But I would like to do my
15 own searches to confirm this.

16 Q. You would agree that none of the search
17 terms show either of the candidates talking about any
18 Latino heritage they may have?

19 A. Again, they're -- this is hard to draw
20 conclusions from what you're showing me, but I am
21 taking your assertion that neither of these
22 candidates is Latino, and, therefore, this is not a
23 racially contested election.

24 That is something I would like to
25 confirm, and if that is true, I would be happy to

1 exclude that.

2 My goal is to get an accurate sample
3 frame and to estimate Latino and non-Latino support
4 for candidates of choice in racially contested
5 elections. And if this was, indeed, not racially
6 contested, then it's worth excluding, given the
7 sample frame.

8 Q. As we sit here, do you have any reason to
9 believe that Gina Parker or Nancy Mulder are Latina?

10 A. I would say I don't have evidence in my head
11 of either of them being Latina, and I don't have, I
12 think, amazing evidence of them not being Latina
13 either. So I would like to confirm this, and if I
14 can confirm this confidently, then I'll exclude this
15 from the sample frame.

16 Q. If we go back to your Table 1, which is
17 page 14 of your April 16th, 2025 report, Court of
18 Criminal Appeals, Place 8, general election for 2024
19 is listed. Do you see that?

20 A. Yes.

21 Q. And you see at the top we have listed Texas
22 Court of Criminal Appeals elections from BallotPedia,
23 Place 8, general election, held November 5th, 2024,
24 between Lee Finley and Chika Anyiam.

25 Do you see that?

1 A. I see that. Thank you.

2 Q. Do you know whether either of these
3 candidates is Latino?

4 A. I don't know.

5 Q. Similarly, here are Google results for Lee
6 Finley, Texas Court of Criminal Appeals, which
7 returned -- or most of these appear to not return
8 either Latino or Hispanic.

9 Likewise, starting on page 12, running
10 to page 13, Chika Anyiam listed with missing Latino
11 or Hispanic.

12 You would agree that none of those
13 election pages or Google results suggest that either
14 of the candidates for the 2024 general election of
15 Court of Criminal Appeals Place 8 is Latino?

16 A. Similarly to the one we just talked about,
17 did not find evidence of these candidates being
18 Latino or Hispanic. I would like to confirm this on
19 my own more systematically, and if that's the case,
20 exclude them from the analysis, given that it's not a
21 racially contested election between a Latino and a
22 non-Latino candidate.

23 Q. You would agree that, when we reviewed the
24 slides of the 2022 governor's race and the 2024
25 president's race, you did not have any difficulty

1 identifying the Latino candidates?

2 A. No, I did not have difficulty in identifying
3 very likely to be Latino candidates.

4 Q. Moving on, the general election 2024 for
5 Court of Criminal Appeals, Presiding Judge, you agree
6 that's listed on Table 1 of your report?

7 A. Yes.

8 Q. Going to page 15 of the document, you would
9 agree this is a printout from BallotPedia, Texas
10 Court of Criminal Appeals Elections, Presiding Judge,
11 general election held November 5, 2024, between David
12 Schenck and Holly Taylor.

13 Did I read that correctly?

14 A. Yes.

15 Q. Similarly, the next two pages, 16 and 17,
16 contain Google searches for David Schenck Texas Court
17 of Criminal Appeals Latino or Hispanic. The Google
18 results indicate missing Latino and Hispanic for the
19 majority of these. Would you agree?

20 A. Yes.

21 Q. On pages 19 and 20, you will see a Google
22 search for Holly Taylor, Texas Court of Criminal
23 Appeals Latino or Hispanic and that the search
24 results are returning missing Latino, Hispanic, one
25 or both, for almost all of these results?

1 A. Again, I don't find this especially helpful
2 evidence, you know, given somebody else's Google
3 search printout, but I would like to review these
4 more systematically, and if they are not racially
5 contested elections with a Latino candidate in them,
6 then exclude them from analyses.

7 Q. We are back on Table 1 of your report,
8 general elections column. 2024, general election,
9 Supreme Court of Texas, Place 2.

10 Going to the other document, page 22,
11 printout from BallotPedia, Texas Supreme Court
12 Elections 2024, Place 2, general election held
13 November 5, 2024, between Jimmy Blacklock, who was
14 recently appointed Chief Justice of the Supreme Court
15 of Texas, and DeSean Jones.

16 Did I read that correctly?

17 A. Yes.

18 Q. Do Jimmy Blacklock or DeSean Jones, on
19 initial review, appear to be Latino?

20 A. I would say a usual characteristic of a
21 Spanish surname is not there, which makes it
22 difficult to assess without doing a bit more digging.

23 Q. From pages 23, 24 of this document, you see
24 a Google search, Jimmy Blacklock Texas Supreme Court
25 Latino or Hispanic. You will see that Google has

1 indicated that the terms Latino or Hispanic are
2 missing from -- one or both terms are missing from
3 these results, talking about Jimmy Blacklock.

4 You would agree that was an accurate
5 description of that Google search as it is depicted?

6 A. Yes, as depicted.

7 I, again, hesitate at the use of
8 screenshots of Google results for a number of reasons
9 to do this determination, but you're describing the
10 screenshots accurately, yes.

11 Q. Starting on page 26 to 27, Google search
12 DeSean Jones Texas Supreme Court Latino or Hispanic.
13 Google indicates that the terms "Latino" and
14 "Hispanic" are missing.

15 Is that an accurate description of that
16 search result?

17 A. Accurate description of this PDF you're
18 showing, yeah.

19 Q. Going back to your report, Table 1, General
20 Elections, 2024 General Election, Texas Supreme
21 Court, Place 4. You agree that's listed on your list
22 of racially contested exogenous elections?

23 A. Yes.

24 Q. Going to the other document, page 29, it's a
25 printout from BallotPedia, Texas Supreme Court

1 Elections 2024, Place 4, held on November 5th, 2024,
2 between John Devine and Christine Weems. Is that
3 correct?

4 A. Yes.

5 Q. Do either candidate have a Spanish surname
6 or visually appear to be Latino?

7 A. Visually, I can't assess from this as it
8 stands, and I hesitate on legal record to just try to
9 be eyeballing people's racial backgrounds from a head
10 shot.

11 (Zoom interruption.)

12 MR. BERG: Can we go off the record,
13 please?

14 THE REPORTER: Off the record at 6:20.

15 (Brief pause.)

16 THE REPORTER: Back on the record at
17 6:20.

18 Q. (BY MR. BERG) Dr. Grumbach, we are on
19 page 30 of this document, Google search John Devine
20 Texas Supreme Court Latino or a Hispanic. Google has
21 indicated that the terms "Latino" or "Hispanic" are
22 missing from most of these search results.

23 You would agree that this is what the
24 PDF shows?

25 A. That appears to be what the PDF showed, yes.

1 Q. We're now on pages 33 of 34 of the document.
2 Google search Christine Weems Texas Supreme Court
3 Latino or Hispanic. Google results with Google
4 indicating that the term "Latino" or "Hispanic" are
5 missing.

6 Is that an accurate description of the
7 PDF as it appears?

8 A. Accurate description of that PDF.

9 Again, I would like to do my own
10 assessment more systematically to determine whether
11 these elections are racially contested with at least
12 one Latino candidate.

13 Q. Going back to your report, Table 1, still on
14 page 14, General Elections, 2024, General Election
15 Texas Supreme Court, Place 6, you'll agree that
16 election is on your list of racially contested
17 exogenous general elections?

18 A. Yes.

19 Q. Going to the other document, page 36, we
20 have a printout from BallotPedia, Texas Supreme Court
21 Elections 2024, Place 6, held November 5th, 2024,
22 with three candidates: Jane Bland, Bonnie Lee
23 Goldstein, and David Roberson.

24 Did I read that correctly?

25 A. Yes.

1 Q. Would you agree that none of the candidates
2 have a Spanish surname and that you are unable to
3 identify them physically as Latino?

4 A. I would not make a determination on physical
5 appearance using these circular profile pictures --
6 or what should we call them? They do not have
7 Spanish surnames.

8 Q. And you would agree that there is nothing on
9 this page that indicates necessarily that they are
10 Latino?

11 A. I would say nothing sticks out to me as
12 signalling Latino heritage on this page.

13 Again, on my own computer, could pull up
14 these photos and zoom them in and maybe make an
15 assessment of a signal of ethnic background, but I
16 would say in this current situation, no.

17 Q. Why don't we try -- would you like me to
18 zoom in a little more?

19 A. Sure. I think it's going to be hard on this
20 split-screen zoom. And also I would say, you know,
21 Latinos can look -- have a variety of physical
22 phenotypes as well.

23 Q. Certainly.

24 But you would agree there's nothing
25 about these three in particular that makes you

1 identify them as Latino?

2 A. No, nothing is jumping out at me as one of
3 these is Latino.

4 Q. Continuing on the same document, it's a
5 Google search: Jane Bland Texas Supreme Court Latino
6 or Hispanic.

7 Do you see that Google has indicated the
8 terms "Latino" or "Hispanic" are missing? You will
9 agree that's what the PDF shows?

10 A. I agree that's what this PDF says, yes.

11 Q. Starting page 41 of the same document,
12 Bonnie Lee Goldstein Texas Supreme Court Latino or
13 Hispanic Google search. Google has indicated that
14 terms "Latino" or "Hispanic" are missing for most of
15 these search terms. Would you agree?

16 A. Yes.

17 Q. Starting at page 44, Google search, David
18 Roberson Texas Supreme Court Latino or Hispanic. PDF
19 indicates that Google is missing the terms "Latino"
20 and "Hispanic." Would you agree?

21 A. I would consider that similar to the other
22 Google results PDFs you've shown me.

23 Q. I'm going attach the document of judicial
24 elections with the election results and the Google
25 searches as Defendants' Exhibit 9.

(Exhibit 9 marked.)

Q. Dr. Grumbach, would you agree that the slide show of elections and Google searches indicated the following elections: 2024 General Election Criminal Appeals, Place 7; General Election 2024 Court of Criminal Appeals, Place 8; General Election 2024 Court of Criminal Appeals, Presiding Judge; General Election 2024 Texas Supreme Court, Place 2; General Election 2024 Texas Supreme Court, Place 4; and General Election 2024 Supreme Court, Place 6?

A. What was the question about those?

Q. Would you agree that those six elections are the elections that you just reviewed on this document which defendants have marked as Exhibit 9?

A. Those are the elections that in Exhibit 9 you showed me BallotPedia results and corresponding Google searches that you've done.

Q. Would you agree that, having reviewed Table 1, it is likely that there are four primary elections that have been omitted and six general elections that were included that perhaps should have been omitted?

A. I think it's plausible that, given my sample frame of racially contested statewide elections, I would want to add in additional primary elections and

1 potentially remove at least one criminal court and
2 supreme court 2024 general election, if I'm able to
3 confirm that these candidates are -- or these
4 elections are not racially contested with a Latino
5 candidate.

6 And that is something I appreciate and
7 am happy to do in pursuit of answering this question.

8 Q. I will represent to you that in Table 1 you
9 list 24 racially contested exogenous general
10 elections and that you just reviewed 6 of the 24,
11 which suggest that it was not a racially exogenous
12 election. That would be -- would you agree that
13 would be a 25 percent error rate?

14 A. Hypothetically, if those six elections are
15 not racially contested, of 24 general elections,
16 that's 25 percent -- that's a smaller percent of the
17 total body of elections, but of 24 general elections,
18 6 is 25 percent.

19 Q. And if the whole Table consists of 42
20 elections and there are 24 general elections, that
21 would mean there are 18 primary elections listed,
22 correct?

23 A. I believe that math is correct.

24 Q. Would you agree with me that what I've shown
25 you suggests that, instead of 18, there should be 24

1 A. I wouldn't say I would want to -- you know,
2 because if this hypothetical is the case, that there
3 was erroneous inclusion of some election and
4 erroneous exclusion, then an error rate is not a very
5 clear metric because of both omission, erroneous
6 inclusion in this hypothetical.

7 So I think it would be most effective,
8 as a social scientist would say, or political
9 scientist, they would write -- you know, in this
10 hypothetical they would write, "Six elections were
11 erroneously included in this sample. Four elections
12 were erroneously excluded in the sample. If this
13 hypothetical is true, out of a total of, you know,
14 sample of the 42 elections."

15 **Q. How do you explain the potential that out of**
16 **a sample of 42 you made 10 errors? How does that**
17 **happen?**

18 A. Yeah, I -- I got the data and I did an
19 attempt to validate that these were racially
20 contested elections, and if this is the case, then I
21 missed some as racially contested and/or included
22 erroneously ones that were not racially contested.

23 **Q. Given that, why should the three-judge panel**
24 **rely on any of your data or conclusions?**

25 A. I think these -- if these ones that were

1 included turn out to not be racially contested, they
2 still provide important information about Latinos and
3 non-Latinos vote choice.

4 So, as I said, racially contested
5 elections are -- tend to be more probative. But that
6 doesn't mean nonracially contested elections are not
7 probative at all. So I think -- you know, if this
8 turns out to be the case, then with that caveat, I
9 think the information is very valuable to the Court,
10 in my opinion, on Latino and non-Latino vote choice.

11 And beyond that, I would say if we
12 believe that racially contested elections are more
13 likely to show evidence of racially polarized voting,
14 then this would essentially understate the extent of
15 racially polarized voting by including greater
16 numbers of nonracially contested elections than
17 should be included in this hypothetical.

18 **Q. You previously testified that you were**
19 **provided the data that these were the appropriate**
20 **elections by MALDEF. Is that correct?**

21 A. That's correct.

22 **Q. This Table 1 on page 14, this analysis goes**
23 **to other tables in your report, correct?**

24 A. These elections are analyzed in other parts
25 of the report, yes.

1 Q. In fact, you use election data from these
2 elections to project how plaintiffs' demonstrative
3 districts would perform, correct?

4 A. That's correct. That's in the
5 district-based analyses that includes these exogenous
6 elections in calculating the rates of Latino support
7 for Latino candidates of choice in demonstrative
8 districts.

9 Q. Would you agree that you included -- you
10 used that data from Table 1 in Table 2?

11 A. Can you show me Table 2?

12 Q. Yes.

13 A. Yes, the data from elections listed in
14 Table 1 is used for the estimates -- the EI estimates
15 in Table 2.

16 Q. Would you agree that you used the
17 information in Table 1 for estimates in Table 3
18 Demonstrative CD 27?

19 A. Yes. Those elections are used in all of
20 these analyses of exogenous elections by demo
21 districts in this section of results.

22 Q. Would you agree that you used the
23 information from Table 4 [sic] in your analysis for
24 Table 4 Demonstrative CD38?

25 A. I used the elections listed in Table 1,

1 those corresponding data, for the results in Table 4.

2 Q. Would you agree you used the data from
3 Table 1 in Table 5 Demonstrative HD 44?

4 A. Data from elections in Table 1 is used in
5 the EI analyses that produced the results in Table 5.

6 Q. Would you agree that you used the data from
7 Table 1 in Table 6, which is titled Demonstrative
8 HD 129?

9 A. Similarly, I used data from the elections
10 listed in Table 1 for the EI estimates presented in
11 Table 6.

12 Q. Would you agree that you used data from
13 elections in Table 1 for your estimates in Table 7,
14 Demonstrative HD 138?

15 A. I used the data from the elections listed in
16 Table 1 to produce the EI results presented in
17 Table 7.

18 Q. Would you agree that you used the data from
19 Table 1 for your election estimates in Table 8,
20 Demonstrative SD 9?

21 A. I used data from the elections listed in
22 Table 1 to produce the EI estimates in Table 8.

23 Q. Would agree that you used data from Table 1
24 in your data and election estimates for Table 9,
25 Demonstrative SD 25?

1 A. I used data from elections listed in Table 1
2 to produce the results in Table 9.

3 Q. Would you agree that you used data from
4 Table 1 for your work in Table 10, Demonstrative
5 ED 6?

6 A. I used data from the elections listed in
7 Table 1 to produce the EI results listed in Table 10.

8 Q. Would you agree that you used the data from
9 Table 1 in your estimates for Table 12 -- oh -- yeah,
10 Table 12?

11 A. Yes, I used data from elections listed in
12 Table 1 to produce the EI results listed in Table 12.

13 Q. You would agree with me that that only
14 leaves Table 11 and Table 13 as tables where you did
15 not use the Table 1 data?

16 A. I would need to double-check this, but that
17 sounds plausible.

18 Q. Would you like to review and go through it
19 again?

20 A. Not all of those, but I would be -- just
21 wanted to make sure there's not additional tables at
22 the end or something. Just your question about
23 whether these were the only tables is my question
24 here.

25 Table 13. Then, of course, I have the

1 point says, "Non-Latino bloc voting prevents the
2 Latino candidate of choice from winning the election
3 in a majority of endogenous elections."

4 Did I read that correctly?

5 A. Yes.

6 Q. And the analysis that goes with that
7 conclusion appears on pages 27 and the top of
8 page 28, is that correct, of your report?

9 A. It also draws on the specific EI results in
10 the endogenous elections appendix file.

11 Q. How did you pick these ten elections?

12 A. These were elections in which at least one
13 Latino candidate ran in the districts being
14 challenged in this case.

15 Q. For the 2022 and 2024 elections?

16 A. Yes. Those election cycles, because those
17 are the elections within the district geographies
18 being challenged in the 2021 redistricting cycle.

19 Q. Where did you obtain this data from?

20 A. I also obtained this data from MALDEF.

21 Q. Did you verify that data when you received
22 it?

23 A. I similarly spot-checked this data, yes, to
24 validate it.

25 Q. You spot-checked it similar to your

1 **spot-checking on Table 1. Is that your answer?**

2 A. Similarly, in general, I inspected the
3 plausibility of aggregate statistics, inspected the
4 data files, and looked on my own at -- to get a sense
5 of whether candidates were Latino in these elections.

6 **Q. And it was your determination to your best**
7 **ability that these were the only 10 elections that**
8 **applied to this criteria?**

9 A. My attempted sample frame was all elections
10 in these challenged districts for the endogenous
11 seats whose district boundaries are being contested
12 in this case. That was my goal with this sample
13 frame.

14 **Q. And within those criteria, as you sit here,**
15 **is it your understanding that this is a complete**
16 **list?**

17 A. It was my -- that was my intention.

18 **Q. Let me share another document.**

19 **You would agree, Doctor, that**
20 **Table 13 is a collection of ten election results**
21 **across four districts, Congressional District 15,**
22 **House District 118, House District 37, and Senate**
23 **District 27. Is that correct?**

24 A. Agreed, yes.

25 **Q. Page 1 of this document is a printout from**

1 BallotPedia for Texas' 15th Congressional District,
2 and this printout depicts the Republican primary
3 election held on March 1st, 2022, correct?

4 A. Correct.

5 Q. And you would agree that this primary
6 election includes a Latino candidate, correct?

7 A. It appears so.

8 THE REPORTER: Did you say, "It appears
9 so"?

10 THE WITNESS: Yes, thank you.

11 THE REPORTER: Thank you.

12 THE WITNESS: Sorry for talking over.

13 Q. (BY MR. BERG) If we go back to your report
14 on endogenous elections, Table 13 on page 27, do you
15 see where -- whether your -- list of elections
16 includes the 2022 Republican primary for the 15th
17 Congressional District?

18 A. It does not appear in this Table.

19 Q. Going back to the document, page 2
20 Democratic primary election, another printout from
21 BallotPedia, Texas' 15th Congressional District.
22 This was a primary election held March 1st, 2022. Do
23 you identify any Latino or Latina candidates on this
24 list?

25 A. I do.

1 Q. Going back to your report, page 27, do you
2 see whether your Table 13 includes the 2022
3 Democratic primary election for the 15th
4 Congressional District?

5 A. It does not include that.

6 Q. Going to the third page of the document,
7 2022 Democratic primary runoff from BallotPedia,
8 Michelle Vallejo, would you agree that your report
9 does include this election, the 2022 Democratic
10 primary runoff in CD 15?

11 A. I see that it does include this.

12 Q. Going back to the document, we are on
13 page 5. We have a printout from BallotPedia for
14 Texas' 15th Congressional District Republican primary
15 election held March 5th, 2024.

16 Can you identify any Latina candidates
17 on this list?

18 A. I believe Monica De La Cruz is Latina.

19 Q. Does your report include, amongst its list
20 of endogenous elections, the 2022 Republican primary
21 for Texas Congressional District 15?

22 A. It does not.

23 Q. Going back to the document, we are on
24 page 6, printout from BallotPedia, 2024 Democratic
25 primary election for the 15th Congressional District

1 held on March 5th, 2024.

2 Can you identify any Latina candidates
3 in this election?

4 A. Yes, I can.

5 Q. You would agree with me, however, that the
6 2024 primary election for the Democrats in CD 15 is
7 not listed on your report, correct?

8 A. That's correct.

9 Q. Going back to the document, we are on page 8.
10 This is a printout from BallotPedia, Texas House of
11 Representatives District 37 Democratic primary
12 election held March 1st, 2022.

13 Can you identify any Latino candidates
14 in this election?

15 A. Yes.

16 Q. You would agree with me that the 2022
17 primary election for Democrats in Texas House
18 District 37 is not listed on your list of endogenous
19 elections, correct?

20 A. Correct.

21 Q. Going back to the other document, we have a
22 printout on page 9 from BallotPedia, Texas House of
23 Representatives District 37 held May 24th, 2022.

24 Can you identify any Latino candidates
25 in this election?

1 A. Yes, I can.

2 Q. Does the Democratic primary in 2022 for
3 Texas House District 37 appear in your report?

4 A. No, it does not.

5 Q. Going back to the other document, we are now
6 on page 12. We have a printout of BallotPedia from
7 the Democratic primary election in the Texas House of
8 Representatives District 37 held on March 5th, 2024.

9 Can you identify any Latino candidates
10 in this election?

11 A. Yes, I can.

12 Q. Does the 2022 Democratic primary election
13 from House District 37 appear on your report?

14 A. No, it does not.

15 Q. Going back to the other document, this is a
16 printout from BallotPedia, Texas House of
17 Representatives District 37 Democratic primary runoff
18 election.

19 Can you identify a Latino candidate in
20 this race?

21 A. Yes, I can.

22 Q. Does the 2022 Democratic primary runoff for
23 House District 37 appear in your report?

24 A. It does not.

25 Q. Going back to the other document, we are on

1 page 15, we have a printout from BallotPedia, Texas
2 House of Representatives District 118 Democratic
3 primary.

4 Can you identify a Latina or Latino
5 candidate?

6 A. Yes, I can.

7 Q. Is the 2024 Texas House of Representatives
8 District 118 Democratic primary listed on your
9 report?

10 A. No, it is not.

11 Q. Going back to the other document, we are now
12 on page 18. We have a printout from BallotPedia,
13 Texas State Senate District 27 Democratic primary
14 election.

15 Can you identify a Latina or a Latino
16 candidate?

17 A. Yes, I can.

18 Q. Back on page 27 of your report. Amongst
19 your list of endogenous elections, is there included
20 the 2022 Democratic primary election for Texas Senate
21 District 27?

22 A. No.

23 Q. Going back to the other document, we are on
24 page 19. We have a printout from BallotPedia, Texas
25 State Senate District 27 Democratic primary runoff

1 held May 24th, 2022.

2 Can you identify a Latina candidate in
3 this election?

4 A. Yes, I can.

5 Q. Is the 2022 Democratic primary runoff for
6 Texas Senate District 27 listed on your Table 13
7 endogenous elections?

8 A. No, it is not.

9 Q. Going back to the document, we are on
10 page 21. We have a printout of BallotPedia, Texas
11 State Senate District 27 Republican primary election.

12 Can you identify a Latino candidate in
13 this election?

14 A. Yes, I can.

15 Q. Is there listed on your Table 13, Endogenous
16 Elections, the Republican primary election in 2022
17 from Texas State Senate District 27?

18 A. No, it is not.

19 Q. Dr. Grumbach, you will agree that Table 13,
20 which lists endogenous report -- elections in your
21 report contains 10 elections, correct?

22 A. Table 13 contains -- lists 10 elections,
23 that's correct.

24 Q. I will represent to you that you have
25 identified 12 elections -- 12 endogenous elections

1 which meet your criteria for inclusion on this list
2 but were left off.

3 They're as follows: 2024 Republican
4 primary election for the 15th Congressional District;
5 2024 Democratic primary election for the 15th
6 Congressional District; 2022 Republican primary
7 election for the 15th Congressional District; 2022
8 Democratic primary election for the U.S. Texas
9 district, that's Texas District 15; 2022 Democratic
10 primary election for Texas House of Representatives,
11 House Seat 37; 2022 Democratic primary runoff
12 election for Texas House of Representatives District
13 37; Democratic primary election 2024 for Texas House
14 of Representatives District 37; 2024 Democratic
15 primary runoff election for Texas House of
16 Representatives District 37; 2024 Democratic primary
17 election for Texas House of Representatives District
18 18 -- District 118; 2022 Democratic primary election
19 for Texas State Senate District 27; 2022 Democratic
20 primary runoff election from Texas -- for Texas State
21 Senate District 27; and the Republican primary
22 election for 2022 for Texas State Senate District 27.

23 Doctor, can you confirm that none of
24 those 12 elections are included on your list of
25 endogenous elections in the enacted districts

1 **challenged as weakened?**

2 A. I can confirm those 12 elections are not
3 listed in my list of endogenous elections in this
4 Table, that's right.

5 Q. Previously we reviewed Table 1 and how
6 Table 1's data was used in Tables 2 through 10 and
7 12.

8 We have now identified that your list of
9 10 endogenous elections in Table 13 is missing 12
10 elections, which would qualify, by your own criteria.
11 Why should the three-court panel accept your data and
12 conclusions based on that data in this matter?

13 A. It's my understanding from reviewing other
14 expert reports that I have the most comprehensive
15 list of elections that I analyze in EI and that I
16 believe this information is very valuable to the
17 Court.

18 I estimate Latino and non-Latino support
19 for Latino candidates of choice across a large number
20 of elections. In the exogenous appendix file, for
21 example, we can look election by election, which
22 allows one to, you know, look at any specific
23 election in Latino and non-Latino support. And I
24 believe the -- you know, large-scale nature of these
25 analyses should be of use to the Court.

1 **Q. Did MALDEF identify the elections that you**
2 **were to analyze?**

3 A. MALDEF provided data and helped to identify
4 racially contested exogenous elections and endogenous
5 elections with a Latino candidate in them.

6 **Q. That sort of sounded like a "yes." Was it a**
7 **"yes"?**

8 A. They did -- it is my goal to create the most
9 comprehensive data set of racially contested
10 statewide exogenous elections as well as endogenous
11 elections with a Latino candidate in them.

12 **Q. What guidance did MALDEF provide regarding**
13 **which elections should be reviewed?**

14 MS. HULETT: Objection. Calls for
15 intrusion on our attorney -- on our consultation.

16 MR. BERG: The assumptions that you
17 provide to the witness, to your expert witness, as
18 long as he's a testifying expert, are not protected
19 by attorney-client privilege.

20 MS. HULETT: Right. I think he's
21 telling you what information we provided him, what
22 data we provided them, and that -- but our
23 discussions about that data and what he's going to
24 analyze and not analyze are not part of the data we
25 provided. And he already told you that he requested

1 THE WITNESS: Okay.

2 Q. (BY MR. BERG) Dr. Grumbach, I would like to
3 point you to page 4 of your report under
4 Qualifications. We discussed this earlier.

5 The first paragraph reads, "This report
6 is a revised version of my March 31st, 2025 report.
7 I revised the report because the plaintiffs revised
8 the geographic boundaries of some of their proposed
9 districts. In their revision, the revised districts
10 are HD 129 in H2326, SD 25 in S2180, and CD 27 in
11 C2197. I also removed references to Benchmark
12 districts that plaintiffs no longer challenge,
13 provided this Qualifications section, and fixed
14 typos."

15 Dr. Grumbach, did MALDEF tell you what
16 elections to analyze?

17 A. Not specifically. I asked for racially
18 contested exogenous elections. I was provided data.
19 I attempted to analyze all statewide racially
20 contested elections during that relevant time period.

21 Q. You revised your March 31st, 2025 report.
22 I'll represent to you it appears to overlap with
23 LULAC plaintiffs filing an amended complaint.

24 How did you know to issue a revised
25 report to your March 31st, 2025 report?

1 A. Yes. Plaintiffs' counsel contacted me and
2 said, "Demonstrative district boundaries have changed
3 and there are some changes to weakened claims, so
4 update the report."

5 And I said, "That sounds like the right
6 idea for the questions the Court is interested in."
7 Latino cohesive voting in demonstrative districts,
8 it's important to have the updated district
9 boundaries for that analysis.

10 Q. When you asked MALDEF for data, did you ask
11 for only racially contested elections or all election
12 data?

13 A. I asked for racially contested elections.

14 Q. How did the endogenous elections, many of
15 which are not racially contested elections, come to
16 be in your possession?

17 A. Apologies. I, on endogenous elections,
18 asked for any relevant endogenous elections with
19 Latino candidates, as in any endogenous seats
20 being -- whose district boundaries are being
21 contested under those current geographies with Latino
22 candidates running.

23 Q. When you asked for racially contested
24 elections, did you ask for some racially contested
25 elections or all racially contested elections?

1 A. No, I consistently asked for and want to
2 analyze all racially contested statewide general or
3 exogenous elections.

4 Q. And I believe you testified or we went over
5 it at length, page 14, Table 1 of your report. There
6 were four racially contested elections that were left
7 off the report.

8 Were those four elections provided to
9 you by MALDEF?

10 A. I would have to check. I am not sure right
11 now.

12 Q. You would have to check because you're not
13 sure whether they provided complete data?

14 A. I would like to see if those elections are
15 in any data I have or not. But, as I've said, my
16 goal was to analyze any and all racially contested
17 statewide elections over this time period.

18 Q. Since it was your goal to analyze any and
19 all elections of those type, I'm assuming that's the
20 data you asked for?

21 A. Yes.

22 Q. Did you analyze data from all the racially
23 contested elections that you received from MALDEF?

24 A. Yes, that's my understanding. I will check
25 my own data, but it is my understanding. I would

1 absolutely not leave out an election. I want to
2 know -- as a social scientist, I want to know the
3 answers to these questions, and I want more elections
4 into my sample that are contained within that sample
5 frame. That is absolutely my goal.

6 And, as I've said throughout this
7 deposition, I want the chance to -- if any elections
8 were omitted that are covered in the sample frame, I
9 would like to analyze them and include them.

10 Q. Why didn't you analyze them and include them
11 in one of your -- any one of your reports in this
12 case?

13 A. I may have overlooked them.

14 Q. Did MALDEF send you data from any races that
15 you chose not to analyze?

16 A. There were some non-statewide elections that
17 I chose not to analyze in the data, I believe, that
18 were exogenous but not statewide.

19 Q. Did you decide not to analyze the elections
20 that are omitted from Tables 1 and 13?

21 A. If by "omitted" you mean exogenous statewide
22 racially contested elections, I wanted to analyze all
23 of them over the 2014 to 2024 period. That was my
24 absolute goal.

25 Q. And, likewise, the endogenous elections on

1 Table 13, it was your desire to analyze all elections
2 that fit your criteria?

3 A. That's correct.

4 Q. If MALDEF had sent you data from any of the
5 excluded races that we discussed, would you have
6 analyzed them in your report?

7 A. Absolutely. Unless there's some sort of
8 error that I made through overlooking. There is
9 absolutely no intent on my part to leave out any
10 racially contested statewide exogenous election or
11 endogenous election featuring Latino candidates over
12 the relevant time periods.

13 MR. BERG: While I'm thinking about it,
14 I'm going to drop into the chat as Exhibit 10 the
15 PDF of the endogenous elections including the 12
16 elections which were omitted from Table 13.

17 (Exhibit 10 marked.)

18 MR. BERG: Vanessa, let's go off the
19 record, please.

20 THE REPORTER: Off the record at 7:29.

21 (Recess 7:29 p.m. to 7:39 p.m.)

22 THE REPORTER: Back on the record at
23 7:39.

24 MR. BERG: At this time State defendants
25 are going to hold open what remaining time we have so

Exhibit 2

Excerpt* from “Grumbach errata
Exogenous Elections by District (Corrected)”
April 2025

[*pp. 6–8, redacted]

		()	()
Benchmark HD 118	p18 Dem Gov	()	()
Benchmark HD 118	p18 Dem LandComm	()	()
Benchmark HD 118	p18 Dem USSen	()	()
Benchmark HD 118	p18 DemRO Gov	()	()
Benchmark HD 118	p18 Rep RRComm1	()	()
Benchmark HD 118	p20 Dem RRComm1	()	()
Benchmark HD 118	p20 Dem SupCt8	()	()
Benchmark HD 118	p22 DemRO ATG	()	()
Benchmark HD 118	p22 DemRO Compt	()	()
Benchmark HD 118	p22 DemRO LandComm	()	()
Benchmark HD 118	p22 RepRO ATG	()	()
Benchmark HD 37	g14 LandComm	()	()
Benchmark HD 37	g14 LtGov VanDePutte	()	()
Benchmark HD 37	g14 SupCt7	()	()

Benchmark HD 37	g16 SupCt5 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g16 SupCt9 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g18 Gov [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g18 LandComm [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g18 USSen [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g20 RRComm1 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g20 SupCt8 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g22 ATG [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g22 GOV [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g22 SupCt5 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g22 SupCt9 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 CrimCtApp7 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 CrimCtApp8 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 CrimCtAppPresJudge [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 Pres [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])

Benchmark HD 37	g24 RRComm1 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 SupCt2 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 SupCt4 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 SupCt6 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	g24 USS [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p14 Dem Gov [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p14 Rep Compt T [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p14 Rep Gov [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p14 Rep LandComm [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p14 Rep USSen [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p16 Rep Pres [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p16 Rep RRComm1 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p16 Rep SupCt9 [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p18 Dem Gov [REDACTED]	[REDACTED] ([REDACTED])	[REDACTED] ([REDACTED])
Benchmark HD 37	p18 Dem LandComm [REDACTED]	[REDACTED]	[REDACTED]

Exhibit 3

Deposition of Dr. Tye Rush
April 24, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN)
AMERICA CITIZENS, ET AL.,)
 Plaintiffs,)
)
) CASE NO.
VS.) 3:21-CV-00259-DCG-JES-
) JVB
)
GREG ABBOTT, ET AL.,)
 Defendants)

REMOTE ORAL DEPOSITION OF EXPERT WITNESS

TYE RUSH, M.D.

APRIL 24, 2025

(REPORTED REMOTELY)

REMOTE ORAL DEPOSITION OF EXPERT WITNESS, TYE
RUSH, M.D., produced as a witness at the instance of the
Defendants, and duly sworn, was taken in the
above-styled and numbered cause on April 24, 2025, from
11:04 a.m. to 5:34 p.m., before Ashley Cason, RSR, CSR,
RPR, in and for the State of Texas, and Notary Public
for the State of Texas, reported by machine shorthand,
with the witness located in San Diego, California,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record.

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WADE JOHNSON
MARLIN DAVID ROLLINS-BOYD
GARY BLEDSOE
MARK SCOROS
ZAC RHINES

Reported by:

ASHLEY CASON, RSR, CSR, RPR

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1 (All parties present have hereby waived the necessity of
2 the reading of the statements by the court reporter as
3 required by Rule 30(b)(5).)

4 TYE RUSH,
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. BRYANT:

8 Q. Dr. Rush, my name is David Bryant. I'm one of
9 the attorneys for the defendants in this case. I'm
10 employed by the office of the attorney general of Texas.
11 Could you tell me a little bit about your deposition
12 experience?

13 A. Yeah. I -- I've been deposed before.

14 Q. Well, do you remember how many times or has it
15 gotten beyond counting?

16 A. Oh, no. Just a couple of times.

17 Q. Okay. All right. Is it fair for me to -- to
18 proceed on the basis that you understand the rules of
19 depositions and that you will get any advice that you
20 may need from attorneys representing you or -- and/or
21 your -- the plaintiffs you are an expert witness for
22 today?

23 A. I would appreciate a bit of a rundown in case
24 things have changed or whatever else.

25 Q. Okay. And I don't think they've changed too

1 much, but I'll be happy to do that. You are under oath
2 just as if you were in a courtroom testifying, and
3 therefore you have an obligation to be truthful and as
4 complete as the question requires.

5 If you have any questions about what I'm
6 asking, please stop and get them clarified because I
7 don't want to ask one question and you've answered a
8 different one because I didn't express myself clearly or
9 there was some other problem in communication. So if
10 you don't understand the question, please stop me and --
11 and get me to clarify it. If you don't, I'm going to
12 assume that you -- that you do understand the question.

13 Feel free at any time to take breaks. It's
14 not an endurance contest. And whenever you're -- you
15 may feel that you need to take a break for any reason
16 other than in the middle of a question before you answer
17 it, just call a break and we'll accommodate that.

18 When I ask a question, sometimes you will
19 know what the question is going to be before I finish
20 it, but please let me go ahead and finish the question
21 before you start answering it because otherwise the
22 written record of what is said will be confusing or
23 maybe even inaccurate. So I'll talk, you talk, and
24 let's not talk over each other.

25 I am also confident that there will be

1 times when you use terms or language that I'm not sure
2 what that exactly means or means to you, and I'll be
3 asking you to clarify those. And we'll appreciate you
4 doing that to the extent that you possibly can.

5 Any other questions before we move on?

6 A. No. Nothing.

7 Q. Okay. If questions come up, feel free to ask
8 either your attorney or me, and we'll try to make this
9 as -- as clean and communicative a deposition as
10 possible.

11 You're here today as an expert witness. In
12 what instances prior to today have you served as an
13 expert witness in litigation? And I want to include not
14 just times that you may have testified in a court but
15 other instances in which you've been retained as a
16 potential expert witness in litigation.

17 A. Yeah. So I list those on the bottom of my CV.
18 I should be able to more comprehensively tell you the --
19 each instance if I am able to look at that.

20 Q. Okay. And I will -- I'll ask you some
21 questions about that.

22 To the best of your knowledge, is your CV
23 up to date with respect to all of your expert witness
24 assignments?

25 A. I believe so, yes.

1 **Q. Okay. Is every instance in which you have**
2 **served as an expert witness a case that involved**
3 **redistricting?**

4 A. I'm not 100 percent sure on that. But most of
5 them have been.

6 **Q. Okay. And in every instance in which you**
7 **served as an expert witness in a redistricting case,**
8 **have your opinions been offered against whatever**
9 **governmental entity it was that had done the**
10 **redistricting?**

11 A. I -- I'm not sure how to answer that because I
12 was asked to look at things and give an opinion. And it
13 didn't -- to me didn't strike me as for or against any
14 party.

15 **Q. Okay. In terms of parties who asked you to**
16 **serve as an expert or expert witness, is it correct that**
17 **in each instance that was not a governmental entity that**
18 **had done redistricting?**

19 A. Is -- can I ask a clarifying question?

20 **Q. Sure.**

21 A. Is this just in litigation matters or legal
22 matters?

23 **Q. I'm asking about litigation matters.**

24 A. Thank you. Yeah. So it's always been for --
25 to the best of my knowledge it's been on plaintiff ask.

1 Q. Okay. You're -- you've always acted in those
2 litigation matters on behalf of somebody challenging
3 some redistricting plan that some governmental entity
4 has enacted?

5 A. I believe so.

6 Q. Okay. Now, you've been designated as an expert
7 witness by what we refer to as the Brooks plaintiffs in
8 this case. Is it correct that you haven't been
9 designated as an expert by any other plaintiffs or
10 parties in this case other than the Brooks plaintiffs?

11 A. I'm not sure exactly who the plaintiffs are
12 and -- and like the -- the list of different parties
13 involved. So I'm not sure that I can answer that.

14 Q. Okay. Do you know if you have been designated
15 as an expert witness by anybody other than the Brooks
16 plaintiffs or is that not clear to you?

17 A. It's not clear to me unless I had, like, an
18 exhaustive list or something like that.

19 Q. Okay. Are you familiar with the term the
20 Brooks plaintiffs?

21 A. I'm not.

22 Q. Okay. Have you ever seen a complaint or a list
23 of claims by the Brooks plaintiffs in this case?

24 A. I believe I -- I believe I've seen the claims.

25 Q. Okay. And do you know what Texas districts the

1 Brooks plaintiffs are complaining about in this
2 litigation?

3 A. I'm not 100 percent sure on that.

4 Q. Is it fair to say that you have not, to your
5 knowledge, been retained or designated as an expert by
6 the Mexican American legal defense and education fund in
7 this case?

8 A. Could you explain what you mean or restate what
9 you mean by retained?

10 Q. Okay. Typically in litigation, some parties to
11 litigation select people that they would like to serve
12 as expert witnesses on their behalf. And one of the
13 things that they file and advise the other side about
14 is, okay, here are going to be our expert witnesses.

15 And so, for example, LULAC is a plaintiff
16 in this case. They served what's referred to sometimes
17 as a witness designation or expert designation and
18 listed the different people who they expect to call as a
19 witness to support their claims.

20 And so my question is whether or not you
21 know of any party other than the Brooks plaintiffs,
22 specifically MALDEF, Mexican American legal defense and
23 education fund -- do you know if they have designated
24 you as an expert witness?

25 A. I'm not aware of that information.

1 Q. Okay. And if you haven't been retained or
2 designated as an expert witness by the League of United
3 Latin American Citizens or LULAC; is that right?

4 A. I'm not aware of that.

5 Q. Okay. And you haven't been retained or
6 designated as an expert witness by the NAACP, have you?

7 A. I'm not aware of that.

8 Q. Okay. Have you seen a designation that was
9 filed by the Brooks plaintiffs in this case on
10 March 31st, 2025, that names you?

11 A. I -- I do believe I've seen that email, yes.

12 Q. Okay. And I'll tell you that in document
13 number 906 filed on March 31st, 2025, it states, quote,
14 Dr. Rush will testify regarding the report and file
15 materials -- served contemporaneously herewith.

16 So is it correct that what you're going to
17 testify about in this case is the expert report that you
18 wrote and the file materials that were provided along
19 with that expert report?

20 A. It depends on what I'm asked in between now and
21 the trial.

22 Q. Do you have any current intention to testify on
23 anything that is not in your expert report or the
24 contemporaneously filed materials?

25 A. It depends on the questions that I'm asked to

1 opine on.

2 Q. Do you have any opinions today other than those
3 that are set forth in your expert report pertaining to
4 this case in any way?

5 A. I'm not aware of anything outside the scope of
6 the report so far.

7 Q. Okay. Have you talked with anyone about
8 questions you may be asked at trial in this case that
9 will elicit information or opinions that are not in your
10 expert report in this case?

11 A. Could you clarify what you mean by --

12 Q. I'll -- I'll be -- I'll try to. I understand
13 that you're going to testify at trial about the
14 substance that is in your report. Do you, today, expect
15 anybody to ask you about anything else at trial that's
16 not in your expert report?

17 A. I -- I don't have any expectations about that.
18 But like I said, it just depends on what I'm asked to
19 opine on.

20 Q. Do you have any -- have you had any
21 conversations with anybody about what you may be asked
22 at trial to opine on that is outside the scope of your
23 expert report?

24 A. I have not.

25 Q. Your expert report in this case is dated

1 **March 31st, 2025. Do you recall that?**

2 A. That sounds correct.

3 **Q. Okay. That's the only expert report that you**
4 **have written or made in connection with this case?**

5 A. Yes. That's the only one that's been filed.

6 **Q. And does it fully and accurately state all of**
7 **the expert opinions that you have related to this matter**
8 **as of today?**

9 A. As of today, I believe so, yes.

10 **Q. Do you have any expectation that you are going**
11 **to do any additional work or arrive at any additional**
12 **opinions between today and the time you testify at**
13 **trial?**

14 A. It depends on -- on what I'm asked in between
15 now and then to do.

16 **Q. Do you have any expectation that anybody's**
17 **going to ask you to do additional work between now and**
18 **the time you testify at trial?**

19 A. I -- I'm not sure. They could. They could
20 also just choose to keep -- keep things how they are.

21 **Q. Okay. And when you refer to they, who are you**
22 **referring to?**

23 A. The lawyers in this matter.

24 **Q. Okay. And what lawyers have you communicated**
25 **with in the course of doing your expert work and**

1 preparing your expert opinions in this case?

2 A. I believe Mr. Dunn.

3 Q. Anyone else?

4 A. Ms. Wakanin.

5 Q. Okay. And have you communicated with any
6 nonlawyers regarding your work in this case or the --
7 your expert report to this point?

8 A. Yes.

9 Q. Who would be those people who are not lawyers
10 with whom you've communicated about your work in this
11 case?

12 A. I have a research assistant who I communicated
13 with.

14 Q. Okay. What's your research assistant's name?

15 A. Ananya Hariharan.

16 Q. And by whom is she employed?

17 A. She's a PhD candidate.

18 Q. At what school or university?

19 A. At UCLA.

20 Q. Okay. Have you communicated with anyone else
21 regarding your work or your expert report in this case
22 who's not a lawyer?

23 A. Yes.

24 Q. Who?

25 A. I talked to Matt Barreto.

1 Q. And is there anybody else besides your research
2 assistant and Dr. Barreto?

3 A. No.

4 Q. On how many occasions have you communicated
5 with Dr. Barreto regarding your work in this case or
6 your expert opinions and report?

7 A. Just one time.

8 Q. When was that?

9 A. Earlier this week.

10 Q. And what was the substance of that discussion
11 or communication?

12 A. Just the logistics of the trial.

13 Q. Did you -- have you ever discussed with
14 Dr. Barreto any of the substance of your work or expert
15 opinions in this case?

16 A. No.

17 Q. Did anyone contribute to or coauthor the expert
18 report that you submitted in this case?

19 A. The expert report are my opinions. And I
20 signed off on them.

21 Q. Okay. And I understand that answer. My
22 question's a little different. Did anybody else write
23 part of it?

24 A. I don't believe so.

25 Q. Did anyone else besides yourself coauthor or

1 contribute to the expert report that you submitted?

2 A. Yes.

3 Q. Who is that?

4 A. I had a research assistant, Ananya, who I
5 mentioned earlier.

6 Q. Okay. Anyone else?

7 A. Yes.

8 Q. Who?

9 A. I believe the lawyers had access to -- to that
10 document, too.

11 Q. Okay. And did they contribute to the expert
12 report that you submitted?

13 A. Yes.

14 Q. Did they write any of the expert report that
15 you submitted in this case?

16 A. No. I believe it was just reading through and
17 edits.

18 Q. Could you describe generally -- I don't want to
19 get into specifics, but could you describe generally the
20 extent of the editing that the attorneys did to your
21 expert report that you submitted in this case?

22 A. Not -- not very extensive at all. I'm not able
23 to recall specific details about it, but they did have
24 access to it.

25 Q. What lawyers were those who did that editing of

1 your expert report?

2 A. I'm not sure all who had access to it. But I
3 believe Mr. Dunn did it.

4 Q. And so would it be fair to say that -- that
5 Mr. Dunn contributed some language to your expert report
6 in this case?

7 A. It's possible, yes.

8 Q. Now, I just want to go over at a high level
9 some of the expert opinions that are set forth in your
10 expert report submitted in this case. We'll go into
11 them in more depth later in the deposition. Is it
12 correct that you offer an opinion regarding a proposed
13 congressional district 37 in the -- in Dallas and
14 Tarrant Counties of Texas?

15 A. I don't have the document in front of me. But
16 that sounds right.

17 Q. Okay. And I believe that you opine in your
18 report that that provides a districting configuration,
19 plan 2163, where Latinos are sufficiently large and
20 geographically compact to constitute a majority in an
21 additional single member district without disturbing
22 other Latino opportunity districts.

23 Is that part of your opinion in this case?

24 A. I have no reason to doubt that that's read from
25 my report, what you just read. But I would have to see

1 it to be able to confirm.

2 Q. Okay. We will -- we will certainly see it.

3 Now, am I correct in understanding you're
4 not an attorney yourself?

5 A. Correct.

6 Q. And so you would not call any of your opinions
7 in this case legal opinions?

8 A. Right.

9 Q. In your work in this case, did you review any
10 of the legislative history of redistricting plans that
11 were considered or adopted by the Texas Legislature in
12 2021 or 2023?

13 A. Yes.

14 Q. What did you review in that regard?

15 A. I'm not sure of an exhaustive list. But I had
16 access to the TLC website and looked through different
17 plans.

18 Q. Okay. And so is there any way I can tell from
19 looking at your expert opinion in this case or the file
20 materials submitted therewith what you looked at that
21 was part of the legislative history of redistricting
22 plans considered or adopted by the Texas Legislature in
23 2021 or 2023?

24 A. I believe I list all of the plans that I was
25 asked to opine on.

1 Q. Okay. When I ask you about the legislative
2 history, I'll try to be a little more specific. Did you
3 look at any of the transcripts of any hearings that the
4 legislature had relating to redistricting in Texas in
5 2021 or 2023?

6 A. Off of the top of my head, I'm not exactly
7 sure.

8 Q. Okay. Did you do any videos of any of the
9 activities of the legislators in Texas in connection
10 with the redistricting plans that were considered or
11 adopted in 2021 or 2023?

12 A. No, I don't believe so.

13 Q. Have you read or reviewed any of the
14 depositions in this case?

15 A. No, I have not.

16 Q. Is it fair to say that you have no expert
17 opinions related to whether the Texas Legislature
18 discriminated in its 2021 or 2023 redistricting plans
19 against African-Americans?

20 A. My opinion so far has been summarized in the
21 report.

22 Q. Okay. And I didn't see any reference to that
23 subject in your report, so I want to be sure that I --
24 since those file materials are pretty extensive that
25 you -- that you have no opinions in this case that you

1 have discussed in your expert report or file materials
2 relating to whether or not the redistricting plans
3 adopted by the Texas Legislature in 2021 and 2023
4 discriminated in any way against African-Americans; is
5 that correct?

6 A. I don't believe I opined on that in the report,
7 no.

8 Q. Okay. And you don't have any expert opinions
9 on that subject as you sit here today?

10 A. Not at the moment.

11 Q. Do you have any expert opinions as to whether
12 or not the Texas Legislature intentionally discriminated
13 in either the 2021 or 2023 redistricting plans against
14 Latinos?

15 A. I believe I opine on that in the report.

16 Q. What do you recall you put in your report as
17 your opinion on that subject?

18 A. I'd have to take a look at it to be able to get
19 that straight on the record and provide the court with
20 accurate info.

21 Q. Okay. We will look at it. You don't have any
22 expert, do you, on whether the Texas Legislature in its
23 2021 or 2023 redistricting plans violated the U.S.
24 constitution?

25 A. I don't believe I was asked to opine on the

1 constitution.

2 Q. And you don't have any opinions on that subject
3 that are part of your work in this case?

4 A. The way the question is asked, I -- I'm not
5 really understanding.

6 Q. Okay. My review of your expert report shows
7 that you focused on several districts and you expressed
8 some views on particular districts and changes that were
9 made in those districts from one plan to another, but I
10 didn't see any overall opinions related to whether or
11 not anything the Texas Legislature did in 2021 or 2023
12 violated the U.S. constitution. I want to be sure that
13 I didn't miss something and that you don't have any
14 expert opinions on that subject.

15 A. I believe the report contains information
16 and -- and my opinion on the maps and the underlying
17 data that I'm not sure I can answer a legal opinion --

18 Q. Okay.

19 A. -- on the question.

20 Q. And you didn't express any legal opinions in
21 your expert report in this case, right?

22 A. I don't believe so.

23 Q. Okay. And so similarly if you -- we talked
24 about the Voting Rights Act. You don't express any
25 expert opinions and don't have any regarding whether or

1 not anything the Texas Legislature did in '21 or 2023
2 violated the Voting Rights Act; is that right?

3 A. I believe that the information that I provide
4 can answer to that. But explicitly, I'm not -- I'm not
5 sure that I offered any legal opinions like that.

6 Q. I don't think you did, but I want to confirm
7 that with you. It's not my opinion that matters; it's
8 yours. So can you confirm that you do not have and did
9 not express in your expert report any expert opinions
10 regarding Texas compliance or violation with the Voting
11 Rights Act?

12 A. I believe that what I provided and the opinions
13 that I've had speak to that. But I haven't -- I'm not
14 sure that I've answered a legal -- made a legal
15 conclusion or answered a legal question.

16 Q. Yeah. I'm not -- I'm not aware of your expert
17 opinion even mentioning the Voting Rights Act; is that
18 correct? Is that your recollection as well?

19 A. I'd have to see the report in front of me. But
20 that -- that sounds correct.

21 Q. Okay. Now, is it correct that all of your work
22 in this case and your expert opinions in your expert
23 report pertain to specific districts rather than the
24 statewide plans enacted by the Texas Legislature for
25 redistricting in 2021 or 2023?

1 A. I'm not sure of the distinction.

2 Q. Okay. Did you -- did you express any expert
3 opinions or arrive at any overall conclusions about the
4 statewide maps adopted by the Texas Legislature in
5 redistricting in 2021 or 2023?

6 A. I believe the maps are part of the statewide
7 plan. So I'm not sure that I'm either understanding the
8 question or what the distinction you're making is.

9 Q. Okay. We'll go into this more when we get into
10 the specifics of your expert report.

11 Do you have any knowledge or information as
12 to the extent, if any, to which the decisions of the
13 Texas Legislature in 2021 and 2023 redistricting were
14 based on partisan considerations, namely how to benefit
15 one party or another in redistricting?

16 A. I'm not sure. I -- I don't believe I was asked
17 to opine on partisanship at all.

18 Q. And is it fair to say that you didn't do any
19 work to examine whether or not to some extent decisions
20 were made by the Texas Legislature in 2021 or 2023
21 redistricting based on partisan considerations?

22 A. I don't believe I've seen any information on
23 partisan considerations.

24 Q. Okay. So, for example, one of the districts
25 that you discuss in your report is house district 118 in

1 southern Bexar County. Do you recall that?

2 A. That sounds right. That sounds like in my
3 report.

4 Q. Okay. And am I correct in understanding that
5 in doing your work on that, you did not consider whether
6 or not any of the changes you discuss may have been
7 motivated by partisan considerations?

8 A. I don't believe I looked into all of the
9 motivations behind it.

10 Q. Okay. So is it correct that you did not
11 consider whether or not the changes described in your
12 expert report may have been based on partisan
13 considerations?

14 A. I'm not -- I'm not sure -- I don't believe
15 anything in my report speaks to partisanship.

16 Q. I agree. It doesn't. And I just want to be
17 sure that it's not something that you looked at and may
18 have left out of your report. My understanding -- and
19 I'd like for you to confirm or -- or if it's incorrect,
20 so advise me -- that you didn't consider partisanship at
21 all in your work in this case?

22 A. I've looked through report packets and things
23 like that on the TLC website. And so I had access to
24 that type of information, but I don't believe I made any
25 conclusions on partisanship.

1 Q. Did you consider in your work in any way
2 whether some of the decisions the Texas Legislature made
3 in 2021 or 2023 may have been motivated by a desire to
4 protect incumbents?

5 A. I believe I was made aware of the redistricting
6 criteria. And if that was included, then I would have
7 looked at that.

8 Q. Okay. Did you come to any conclusions about
9 whether or not the Texas Legislature in fact made
10 decisions motivated in part by a desire to protect
11 incumbents in any of the districts that are discussed in
12 your expert report?

13 A. In the redistricting criteria, I'm aware of
14 that. But specifically I'm not exactly sure which
15 criterias were considered and to what weight.

16 Q. And part of your expert report in this case
17 refers to the work of Dr. Henry Flores. Do you recall
18 that?

19 A. I believe so, yes.

20 Q. Okay. Have you ever met or otherwise
21 communicated with Dr. Henry Flores?

22 A. I believe so.

23 Q. And is it certain that you have not
24 communicated with Dr. Henry Flores regarding your work
25 in this case?

1 A. I'm certain that I've not communicated with him
2 in this case.

3 Q. Okay. And is it correct, then, that you have
4 never communicated with Dr. Flores about his expert
5 report in this case?

6 A. I've -- I've never communicated with him about
7 my report.

8 Q. Well, my question is about whether you
9 communicated with him about his report.

10 A. I've never communicated with him about this
11 matter.

12 Q. Okay.

13 A. So I have not about his report.

14 Q. Thanks. Now, in doing your work in this case,
15 what exactly did you do with respect to
16 Dr. Henry Flores' May 20th, 2022, expert opinion in this
17 case?

18 A. I was asked to look at his report and review
19 it.

20 Q. Okay. And as part of that review, what steps
21 did you take?

22 A. I -- so I reviewed his report. I looked
23 through some of the conclusions and evidence that he had
24 and -- and formed an opinion on that.

25 Q. Did you check any of the data that he used to

1 support his report back in May of 2022?

2 A. I did.

3 Q. What did you do?

4 A. I believe I looked at the TLC data and the
5 things that were available there.

6 Q. Did you discuss Dr. Flores' report in your work
7 in this case with anyone else?

8 A. No.

9 Q. Dr. Rush, have you ever lived in Texas?

10 A. I have not.

11 Q. Have you ever spent any time in the
12 geographical areas of Texas that are the subjects of
13 your expert report in this case?

14 A. Yes.

15 Q. Which ones?

16 A. I believe I've spent some time in Dallas, some
17 time in San Antonio, El Paso and Houston. Yeah.

18 Q. Okay. Have you ever, for example, been in what
19 is referred to in your report as house district 118 in
20 the southern extremity part of Bexar County?

21 A. I don't believe so, no.

22 Q. Now, I'd like to mark as Exhibit 1 to your
23 deposition your resume or the resume that was submitted
24 to the defendants in this case. And if my capable
25 colleague Mr. Csoros can bring that up where we can both

1 **see it, that would be great.**

2 (Exhibit Number 1 was marked.)

3 MR. CSOROS: Dr. Rush, can you see in the
4 chat where I just posted a link to the Adobe Acrobat
5 document?

6 THE WITNESS: I do. Is it -- is it okay if
7 I open this on a second screen or --

8 MR. CSOROS: That should be fine.

9 MR. BRYANT: Fine with me.

10 **Q. (BY MR. BRYANT) And, Dr. Rush, can you see**
11 **what's been marked or what I have referred to as**
12 **Exhibit 1 to your deposition?**

13 A. I have not. I am being prompted to log in.

14 **Q. Okay.**

15 A. I don't believe I'm able to access it. It's
16 asking me for a login that I do not have on Adobe
17 Acrobat.

18 **Q. Okay. Let's go ahead and I'll ask some**
19 **questions about it. I bet you know your resume pretty**
20 **well.**

21 MS. DANAHY: Let me just pull it up on the
22 screen here --

23 MR. BRYANT: Sure.

24 MS. DANAHY: -- so he can see what you're
25 looking at.

1 Mr. Csoros, are you able to screen share
2 that?

3 MR. CSOROS: Yes. Just give me one second
4 there.

5 MS. DANAHY: Okay.

6 MR. BRYANT: And, Mark, if you'd like to
7 take a break, just let us know.

8 A. I was just able to access it.

9 **Q. (BY MR. BRYANT) Great.**

10 A. I have it opened.

11 MR. BRYANT: Can other folks access that
12 document?

13 MS. DANAHY: I have it as well.

14 MR. BRYANT: You have it as well? Okay.

15 **Q. (BY MR. BRYANT) I believe Exhibit 1 actually**
16 **includes two resumes for you that are either identical**
17 **or very similar. Do you see that?**

18 A. I only see the one in the link.

19 **Q. Can you see multiple pages or only the first**
20 **page?**

21 A. I'm able to scroll through it to page 4.

22 **Q. Okay. So that's page 4. Is there page 5 that**
23 **is marked 1 of 3 at the bottom?**

24 A. No. I don't have access to anything --

25 **Q. Okay.**

1 A. -- except the first four pages.

2 Q. All right. That's fine. Is Exhibit 1 a copy
3 of your resume?

4 A. If this is Exhibit 1, yes.

5 Q. And is it complete as of today to the best of
6 your knowledge?

7 A. Can I take a second to look through it?

8 Q. Absolutely.

9 MS. DANAHY: While he's doing that, I'll
10 just note that the file name says Exhibit 2, so it might
11 be a little confusing.

12 MR. BRYANT: It's marked Exhibit 2?

13 MS. DANAHY: The file name is, but I
14 understand this is Exhibit 1. I just wanted to put that
15 on the record in case there's any confusion.

16 MR. BRYANT: Thank you.

17 A. I may need someone else to open this because
18 I -- I don't see any of that other information. I just
19 see the PDF and can scroll through.

20 Q. (BY MR. BRYANT) Okay. Do you -- you do
21 recognize this as a resume for Tye Rush?

22 A. Yes. I see what -- what I'm looking at is --
23 is my CV, yes.

24 Q. And do you know of any corrections that need to
25 be made -- made to this document to make it accurate as

1 of today?

2 A. I believe so, yes.

3 Q. What would those be?

4 A. I believe one of my publications had come out
5 and passed first view, so there should be a citation
6 change there. I had a publication that received an
7 issue designation, so I should -- that should change
8 with the page number. I believe this is complete.

9 Q. Okay. Thank you. Now, first page of what I
10 refer to as Exhibit 1, your resume, indicates that you
11 received in 2023 a PhD in political science from UCLA;
12 is that right?

13 A. That's correct.

14 Q. And you list people who are on your committee.
15 Could you explain for somebody who is not familiar with
16 that process what that means?

17 A. Yes. So it's a group of people who officially
18 advise on your dissertation project, provide feedback,
19 that type of thing.

20 Q. Okay. And the chairman of that committee was
21 Dr. Matthew A. Barreto?

22 A. Yes.

23 Q. And one of the members of that committee was
24 Dr. Loren Collingwood?

25 A. Yes.

1 Q. That right? And are you aware that both
2 Dr. Barreto and Dr. Collingwood are also serving as
3 expert witnesses for various plaintiffs in this case?

4 A. I -- I'm aware that Dr. Barreto was because I
5 read through his report, but not Dr. Collingwood.

6 Q. Okay. When did you read through Dr. Barreto's
7 report in this case?

8 A. I reference it in the -- the report that I
9 compiled. And so I would have read it before then.

10 Q. Okay. And what was your purpose in -- in
11 reviewing Dr. Barreto's expert report in this case?

12 A. I believe I was generally asked to look at the
13 districts I was asked to opine on.

14 Q. And then the last person who is listed as a
15 member of your PhD committee is Chad Dunn, esquire. Is
16 that the Mr. Dunn that you've already referred to in
17 your testimony today?

18 A. Yes.

19 Q. And is he the primary attorney who selected you
20 to serve as an expert witness in this case?

21 A. I'm not sure what the selection process was or
22 what's going on on their side. But I was -- he did ask
23 me.

24 Q. He asked him to serve as an expert witness in
25 this case?

1 A. Yes.

2 Q. Okay. Did you -- strike that.

3 Do you have a relationship with the UCLA
4 Voting Rights Project as a senior policy fellow?

5 A. Yes.

6 Q. And have you had that relationship since 2018?

7 A. I believe so since it was formed, yes.

8 Q. And is your supervisor in that work

9 Dr. Barreto?

10 A. It depends.

11 Q. Is your supervisor in that work at least some
12 of the time Dr. Barreto?

13 A. So I wouldn't characterize it as supervisor.
14 It's -- it's not the same way that it would play out in
15 your normal workplace in, like, corporate America or a
16 clerk job or anything like that.

17 Q. So you would think that referring to
18 Dr. Barreto as your supervisor in connection with the
19 UCLA Voting Rights Project would not be accurate?

20 A. Correct.

21 Q. Do you know who the founders of the UCLA Voting
22 Rights Project were?

23 A. I believe so, yes.

24 Q. Who were they?

25 A. I believe Dr. Barreto and Mr. Dunn.

1 Q. And is one of the purposes of the UCLA Voting
2 Rights Project to train people to be expert witnesses in
3 litigation like this?

4 A. Maybe.

5 Q. You're not sure?

6 A. I'm -- I'm not sure what the purposes are
7 exactly. That's outside of the scope of my role.

8 Q. It's outside of your scope -- the scope of your
9 role in this case or outside the scope of your role with
10 the UCLA Voting Rights Project?

11 A. With the UCLA Voting Rights Project.

12 Q. Okay. What is your role with the UCLA Voting
13 Rights Project?

14 A. A researcher.

15 Q. Okay. And as part of that role, have you done
16 and do you do research related to redistricting
17 litigation?

18 A. Yes.

19 Q. How are you compensated, if at all, by the UCLA
20 Voting Rights Project?

21 A. I do not receive any compensation from the
22 Voting Rights Project.

23 Q. Are you compensated in any way for your work on
24 behalf of or at the direction of the UCLA Voting Rights
25 Project?

1 A. I'm not compensated by the UCLA Voting Rights
2 Project at all.

3 Q. I understand that answer. My question is, if
4 not by the UCLA Voting Rights Project, are you
5 compensated by somebody else for your work as a
6 researcher at the UCLA Voting Rights Project?

7 A. I'm not compensated for that role by anybody.

8 Q. Why do you do that work?

9 A. It's research. And research is in the purview
10 of my -- of my degree, my job.

11 Q. Okay. What's -- what is the current job that
12 you have that you're referring to?

13 A. I'm a president's postdoctoral fellow at UC San
14 Diego. So I -- I do research.

15 Q. Okay. Did you work in -- from June 2018 to
16 June 2019 as a voting rights research consultant or
17 something for these Latino decisions?

18 A. Can I take a second to scroll to which line
19 you're looking at?

20 Q. Sure. And actually I'm not asking you
21 questions from Exhibit 1. I'm asking you from --
22 questions from another resume. And I'll be happy to put
23 that up for you if you want. But just based on your
24 memory, can you recall that or not?

25 A. Could you ask the question again?

1 Q. Okay. Do you recall working from June 2018 to
2 June 2019 as a voting rights research consultant for
3 Latino decisions in Los Angeles?

4 A. I believe so, yes.

5 Q. Okay.

6 A. I also see that on the exhibit in front of me.

7 Q. Okay. And was your supervisor in that work
8 also Dr. Barreto?

9 A. Yes.

10 Q. Do you recall working from September 2017 to
11 2018 as a research fellow at the UCLA Latino policy and
12 politics initiative?

13 A. Can you repeat the dates?

14 Q. Sure. 2017 to 2018.

15 A. That sounds right, yes.

16 Q. And was Dr. Barreto also your supervisor in
17 that work?

18 A. I believe he might have been, yes.

19 Q. Do you recall working from June 2016 to
20 September 2016 as a predoctoral fellow at UCLA in
21 political science referred to as the race, ethnicity and
22 politics subfield?

23 A. Can I correct something from the record?

24 Q. Sure.

25 A. I believe from the last question that it was --

1 that supervisor was actually Sonja, the director of
2 LPPI.

3 Q. Okay. So your testimony is that upon
4 recollection it was not Dr. Barreto?

5 A. I believe so. So I -- I have worked with
6 Dr. Barreto. But I -- from my memory, I remember the
7 person asking and directing projects was the director.

8 Q. Okay. And we're referring to your work as a
9 research fellow from September 2017 to 2018?

10 A. I believe so, from LPPI.

11 Q. Okay. LPPI, referring to Latino policy and
12 politics initiative?

13 A. Correct.

14 Q. Okay. Now back to your work as a predoctoral
15 fellow in -- from June to September 2016, I asked you
16 whether or not you worked during that period at UCLA
17 political science relating to race, ethnicity and
18 politics subfield.

19 A. I believe I was the -- given a predoctoral
20 award to cultivate some research from the subfield, yes.

21 Q. And was your supervisor in that work
22 Dr. Barreto?

23 A. I believe he advised me, yes.

24 Q. Have you been a coauthor with Dr. Barreto on
25 various publications?

1 A. Yes.

2 Q. Have you been a coauthor with Chad Dunn on
3 various publications?

4 A. I'm not sure any of our publications were
5 published.

6 Q. Okay. Whether they were published or not, have
7 you coauthored works with Chad Dunn?

8 A. I have coauthored work with him, yes.

9 Q. Okay. And have you also coauthored works with
10 Loren Collingwood?

11 A. Yes.

12 Q. Are you the author of a work, whether or not
13 it's completed, entitled Jim Crow and a Brooks brothers
14 suit, what motivates state legislatures to act on voter
15 ID bills?

16 A. I believe so, yes.

17 Q. Have you completed that work?

18 A. I have not.

19 Q. Okay. Now looking at page 2 of Exhibit 1, do
20 you see a section that is referred to as public policy
21 and legal writing?

22 A. I believe the document I have in front of me is
23 marked as Exhibit 2, so I'm just -- I want to make sure
24 that that was -- that this is Exhibit 1.

25 Q. I tell you what. Why don't we take a break? I

1 want to be sure that the document that I'm asking you
2 questions from is properly marked and is visible to you.
3 So if we could -- we've been going about an hour --
4 let's take a ten-minute break.

5 MS. DANAHY: That sounds good.

6 (Recess taken 12:05 p.m. to 12:19 p.m.)

7 MS. DANAHY: Can I just make a
8 clarification for the record before we jump in, which is
9 I just want -- because there's some confusion about what
10 documents are what. The document that was provided to
11 Dr. Rush and myself was a document entitled Exhibit 2, I
12 think CVRush.pdf. And so that's what I understand to
13 have been marked as Exhibit 1. Is that the document
14 that will be provided to the court reporter as
15 Exhibit 1?

16 MR. BRYANT: Okay.

17 MR. CSOROS: Yes, ma'am. I've sent a
18 second link in that chat, and that remains Exhibit 1,
19 what we've been calling Exhibit 1 but was marked Exhibit
20 2. I'm about to put a second one in the chat, and
21 that's going to be our -- our second exhibit for today.

22 MS. DANAHY: And so the only difference
23 between the link that you just sent and the previous one
24 is that the -- it's the same file, it's just been
25 renamed as Exhibit 1 instead of Exhibit 2; is that

1 right?

2 MR. CSOROS: That's correct.

3 MS. DANAHY: Okay. Great. I just wanted
4 to make sure we're all on the same page looking at the
5 same document.

6 MR. BRYANT: I share that goal. And at the
7 same time I'll tell you that I think we're going to have
8 a second resume for Dr. Rush that is slightly different
9 that will -- we'll be using in minutes to come.

10 Q. (BY MR. BRYANT) Dr. Rush, did you do any work
11 in connection with a case in Georgia called Black Voters
12 Matter versus Raffensperger?

13 A. I believe so, yes.

14 Q. Okay. And what do you recall that you did in
15 connection with that case?

16 A. I believe there was the UCLA Voting Rights
17 Project authored a report or something of that nature.

18 Q. And what was your role in that?

19 A. I did some research for that project.

20 Q. Okay. Did you write any of the expert report
21 in that case?

22 A. I'm not exactly sure if it's an expert report
23 or what exactly the matter was. But I did for that
24 project coauthor.

25 Q. You coauthored whatever was submitted on behalf

1 of the UCLA Voting Rights Project in that case?

2 A. I want to get this accurate for the record.

3 And I -- I don't recall from five years ago exactly what
4 was happening, but I -- I did some research for the
5 project.

6 Q. Okay. And who did you work with on that
7 project?

8 A. That would have been whoever volunteered for
9 the project or whoever wanted to participate. So I
10 don't have an exhaustive list.

11 Q. Okay. Have you ever listed on your resume an
12 expert report of Dr. Barreto in that case?

13 A. It's possible.

14 Q. So what was -- if so what -- strike that.

15 Have you told me all that you can recall
16 about why you listed an expert report of Dr. Barreto on
17 your resume?

18 A. I -- I believe that my resume, my CV, lists the
19 research experience that I can recall. So that would be
20 listed on my resume.

21 Q. Did you serve as a teaching assistant to
22 Dr. Barreto in 2021 in a course called U.S. Latino
23 politics?

24 A. I believe so, yes.

25 Q. Have you actually testified in court in any

1 **cases before?**

2 A. Yes.

3 **Q. Which ones?**

4 A. I believe it was the trial in Galveston. But
5 I'm not sure what the title of that litigation was or
6 that matter.

7 **Q. You recall it being referred to as Petteway?**

8 A. I believe so.

9 **Q. Okay. Any others?**

10 A. None at trial.

11 **Q. Okay. When were you retained to provide expert**
12 **work and services in this case?**

13 A. I'm not sure of the exact date, but fairly
14 recently.

15 **Q. What's your best estimate?**

16 A. Maybe a couple months ago.

17 **Q. Okay. Your expert report's dated March 31st,**
18 **2025. How long before that date were you retained in**
19 **this case?**

20 A. I -- I don't have the date off the top of my
21 head or have access to that right now. But my best
22 estimate is a couple months before that, a month or so.

23 **Q. A month or a couple of months, do you -- can**
24 **you -- which one of those is more accurate?**

25 A. I -- I'm not sure. That's why I'm splitting

1 the difference.

2 Q. And who do you recall approaching you to retain
3 you at that time?

4 A. I believe I -- I talked to Mr. Dunn.

5 Q. How have you been or are you going to be
6 compensated for your work in this case?

7 A. Yes.

8 Q. How? Could you explain what the basis of the
9 compensation is?

10 A. I'm not sure I understand the question.

11 Q. Are you being compensated on an hourly basis or
12 on some project basis or some other way?

13 A. I believe it's listed in my report. So if I
14 can look at that, I can recall the rate and all that.

15 Q. Okay. You don't recall as you sit here
16 without -- without referring to your report?

17 A. I believe it's an hourly basis. But to get
18 things right for record, I would have to see that.

19 Q. Okay. Do you recall how many hours
20 approximately you worked on the case up until the time
21 you signed your report?

22 A. I don't recall the exact number, no.

23 Q. What's your best estimate?

24 A. I'm not really comfortable providing an
25 estimate. But if I can -- I can probably give a window

1 somewhere between --

2 **Q. Give me the best you can.**

3 A. Somewhere above 40 hours.

4 **Q. Are you working on this case in any way for the**
5 **UCLA Voting Rights Project?**

6 A. No.

7 **Q. Who do you understand is actually compensating**
8 **you for your work on this project or case?**

9 A. I -- I don't have an understanding of where the
10 lawyers would like to do that. But I understand that
11 I'm being compensated.

12 **Q. Have you been -- actually received compensation**
13 **to date or is it to come?**

14 A. No, I have not issued an invoice.

15 **Q. Okay. You are acting as an expert witness for**
16 **what I've referred to and generally refer to as the**
17 **Brooks plaintiffs. Do you know any of their names?**

18 A. Off the top of my head, no.

19 **Q. Have you ever met or communicated with any of**
20 **the Brooks plaintiffs?**

21 A. I don't believe so. But I don't know their
22 names.

23 **Q. When you were retained on this case, what**
24 **specifically were you asked to do?**

25 A. I was asked to evaluate map plans.

1 **Q. Were you given any specific map plans to**
2 **evaluate at that time?**

3 A. Yes.

4 **Q. Which ones?**

5 A. I don't have the list in front of me. But I
6 believe I list them in the report.

7 **Q. Okay. Are there any map plans that you were**
8 **asked to do work on that you ultimately did not list in**
9 **your report?**

10 A. I don't believe so. I think that's the
11 exhaustive list.

12 **Q. Okay. And were you asked to evaluate map plans**
13 **with -- and rendered any particular types of opinions**
14 **related to the map plans?**

15 A. I believe I was asked to opine on maps and
16 districts, yes.

17 **Q. Okay. And were you asked to opine on any**
18 **particular aspects or issues with respect to maps and**
19 **districts?**

20 A. I believe I was asked to evaluate them to look
21 at the underlying data from TLC and that source and to
22 make an opinion based on that or to render an opinion.

23 **Q. Okay. And my question -- this is not very**
24 **grammatical -- but an opinion as to what?**

25 A. About the mapping plans.

1 **Q. About what -- what issues related to the**
2 **mapping plans?**

3 A. I believe that the -- the opinions I issued
4 were about the -- the composition of the maps, their
5 shapes, things like that.

6 **Q. And you also -- your expert report discusses**
7 **Latino opportunity districts. What does that term mean**
8 **to you?**

9 A. There's a precise definition. So it doesn't --
10 I don't have access to the definition off the top of my
11 head, but to the best of my knowledge it's a district
12 where Latinos have the opportunity to elect their
13 candidate of choice.

14 **Q. And in the work that you were asked to do in**
15 **connection with this case, was it entirely with respect**
16 **to evaluating map plans as they relate to Latinos as**
17 **opposed to other racial or ethnic groups?**

18 A. I believe so. But I would have to refer to my
19 report for that.

20 **Q. Okay. Did Mr. Dunn or other attorneys for the**
21 **Brooks plaintiffs provide you with any data in**
22 **connection with your work in this case other than the**
23 **names of some map plans?**

24 A. I believe all the data that I had looked at was
25 on the TLC website.

1 Q. Okay. Does that mean that -- that counsel
2 didn't provide you with any data that you used in
3 connection with your work in this case? You got it
4 directly from a TLC website?

5 A. All the data comes from the TLC website.

6 Q. Was it provided to you by counsel, though, is
7 my question?

8 A. I opened the TLC website and was able to
9 download those things.

10 Q. So the answer is, no, counsel did not provide
11 me with the data that I used in my work in this case?

12 A. I believe so. All the data is housed at the
13 TLC website.

14 Q. What data did you refer to in doing your work
15 in this case other than data from the TLC website?

16 A. I believe the only data that I used was from
17 the TLC website.

18 Q. Did you consult any -- strike that.

19 Did you do any research in connection with
20 your work in this case other than reviewing data from
21 the TLC website?

22 A. The -- the materials that I had -- I think I'm
23 misunderstanding the question because you're referring
24 to data.

25 Q. Okay. If you can explain more, I'll try to

1 **make a clearer question.**

2 A. Yeah. The only data that I used came from the
3 TLC website.

4 Q. Okay. And were there different types of data
5 that you obtained from the TLC website in connection
6 with your work in this case?

7 A. I'm not sure I'm understanding the question
8 because of the use of data isn't -- your use of data
9 isn't generally categorized in types like that.

10 Q. Okay. In your work in this case, did you
11 consider in any way any election results from 2024?

12 A. I believe so.

13 Q. What did you do in that regard?

14 A. I believe I -- I used data from the TLC
15 website.

16 Q. And what specifically was the data regarding
17 2024 elections that you used in your work in this case?

18 A. I summarize it in my report. So if I can look
19 at that, I can tell you.

20 Q. Okay. Let's go ahead and -- and put Dr. Rush's
21 expert report up so that we can all see it.

22 MS. DANAHY: Sorry. I was leaning back. I
23 was just asking if you're introducing that as an
24 exhibit.

25 MR. BRYANT: Yes, I am. We'll mark this as

1 exhibit -- the next one, which I believe is 3.

2 MS. DANAHY: Thank you.

3 (Exhibit Number 2 was marked.)

4 MS. DANAHY: By my account we only have the
5 CV and this exhibit right now.

6 Q. (BY MR. BRYANT) Okay. Dr. Rush, can you see a
7 copy of this expert report?

8 A. I do. I followed the link, and it appears to
9 be a copy of my report, yes.

10 Q. Okay. And if you can look through Exhibit 3 to
11 the back, do you see the signature page with your
12 signature on it?

13 A. I do see that on the last page.

14 Q. Okay. I had asked you a previous question
15 about your use of 2024 election results in your work in
16 this case. And I believe you indicated that if you
17 could see your report, you could point that out to me.
18 Could you now do so?

19 A. Yes. There is a table directly above that in
20 between point 39 and point 38. There are a couple of
21 tables. And I believe in -- in parts of those, it
22 references the 2024 election, so that would have been
23 the -- where the election data was.

24 Q. Okay. And you -- in that material toward the
25 end of your report, you also refer to election result

1 data from 2020 and 2022; is that correct?

2 A. That looks right, yes.

3 Q. Okay. Other than the information that is
4 included in your report, did you consider information
5 from the 2024 election results in any other way in your
6 work in this case?

7 A. Yes.

8 Q. Other than as reflected in those tables?

9 A. Yes.

10 Q. How did you consider 2024 results in your work
11 beyond what's reflected in the tables?

12 A. I believe that I saw something about that in
13 the -- in Dr. Barreto's report that I read through.

14 Q. Okay. And do you recall what it -- what it
15 was?

16 A. I can speak generally. I think that it was
17 about -- it was a performance analysis or something
18 along that nature.

19 Q. Okay. Other than seeing that information in
20 Dr. Barreto's report, did it in any way influence or
21 contribute to any of your expert opinions in this case?

22 A. Yes.

23 Q. Could you explain how?

24 A. I believe in this report whenever I express an
25 opinion about performance, I reference the report it

1 came from or the data that it came from.

2 **Q. Okay. Now, looking at Exhibit 3, your expert**
3 **report, paragraph 7?**

4 MS. DANAHY: Again, we're on Exhibit 2 of
5 the expert report, not Exhibit 3.

6 MR. BRYANT: I'm sorry. Expert report is
7 Exhibit 2?

8 MS. DANAHY: Yeah. We only had the one CV
9 that was introduced. You said you might introduce a
10 second one, but we never as far as I know introduced
11 that or looked at that document.

12 MR. BRYANT: Okay. Mark can we -- do you
13 have that available to pull up?

14 MR. CSOROS: Which one? Currently the
15 expert report is pulled up as Exhibit 2. We can also
16 pull up his alternative CV as Exhibit Number 3.

17 MR. BRYANT: Okay. Let's do that so we can
18 end the confusion that I have created, I hope.

19 MR. CSOROS: What I just put in the chat
20 now is the second version of Dr. Rush's CV, which we're
21 calling Exhibit 3.

22 **Q. (BY MR. BRYANT) Okay. Dr. Rush, could you**
23 **look at what has been marked as or referred to as**
24 **Exhibit 3 and identify it for us so that we all know**
25 **what it is?**

1 (Exhibit Number 3 was marked.)

2 A. Unfortunately, it's marked as Exhibit 2. So I
3 -- I do see an older version of my CV in there.

4 Q. (BY MR. BRYANT) Okay. Is that a -- is that a
5 CV that you authored and -- and posted somewhere
6 sometime before the one that is marked as Exhibit 1?

7 A. Yes. It has an expected PhD completion date,
8 so this would have been before.

9 Q. Okay. And that one is now Exhibit 3, and your
10 expert report is Exhibit 2. Is that the way you
11 understand it?

12 A. I believe so. But it's still marked in the
13 title of the document as Exhibit 2, the CV is.

14 Q. Okay. I'll try to be as clear as I can about
15 it. I want to ask you questions about your expert
16 report at this point. And I understand that to be
17 Exhibit 2, and ask you to look at paragraph 7 on the
18 first page of your expert report. Tell me when -- when
19 you see that.

20 A. I see it.

21 Q. Okay. And it says, quote, The plaintiffs in
22 this suit requested that I evaluate/analyze
23 demonstrative plans that were both considered for the
24 Texas State house and Texas congressional map and the
25 enacted plans for the Texas State house and Texas

1 congressional map for compliance with traditional
2 redistricting principles, compliance with the standards
3 set forth in Gingles I and whether the demonstrative
4 districts subordinated traditional districting
5 principles to racial considerations, unquote.

6 Have I accurately read paragraph 7?

7 A. I read along and that was accurate.

8 Q. And does paragraph 7 accurately and completely
9 state what you were asked to do in your work in this
10 case?

11 A. At that point, yes.

12 Q. Is there -- when you say at that point, what
13 point are you referring to?

14 A. At the point of submitting this that I
15 understand that to be the accurate scope of the work.

16 Q. Okay. And the -- the date of submitting this
17 was March 31st, 2025?

18 A. Correct.

19 Q. Have you been asked to do any additional work
20 since then that is not described in paragraph 7?

21 A. I have not.

22 Q. Okay. You used the term demonstrative plans.
23 Could you explain for somebody who is not familiar with
24 that term what that means to you?

25 A. Yes. That would refer to maps that are drawn

1 but not adopted.

2 Q. Okay. And is it your understanding that every
3 demonstrative plan discussed in your expert report was
4 in fact considered by the Texas Senate in 2021 in its
5 redistricting efforts?

6 A. I'm aware that these -- some of the plans would
7 have been considered.

8 Q. Okay. Which ones?

9 A. I don't believe I have an exhaustive list. But
10 anything in this report that is not marked as enacted or
11 benchmark would probably refer to those plans.

12 Q. Do you have any knowledge as to what, if any,
13 demonstrative plans were considered by the Texas
14 Legislature in its redistricting work in 2023?

15 A. I -- I was able to look on the TLC website.
16 And it looks like they considered a whole slew of plans.

17 Q. And did those include all of those that are
18 referred to in your expert report?

19 A. Yes.

20 Q. So all of -- your testimony is that all of
21 those plans referred to in your expert report were
22 considered by the Texas Legislature in 2023?

23 A. No. I -- I misunderstood. I -- I'm not sure
24 which ones on the TLC website were considered or not,
25 but I'm aware that some were considered.

1 Q. In 2023?

2 A. I don't have the exact dates. So, no, I don't
3 know that.

4 Q. Okay. And could you explain specifically what
5 you did to evaluate and analyze -- strike that.

6 What was -- what was your methodology for
7 analyzing demonstrative plans for compliance with
8 traditional redistricting principles?

9 A. Yes. So I looked at the data from the TLC
10 website for each of those plans and evaluated that.

11 Q. And my explanation is, what was your process in
12 determining whether or not you believed that a
13 particular plan complied with traditional redistricting
14 principles?

15 A. I would have combed through the underlying
16 data, things like compactness, things like population
17 demographics, total population, things like that to
18 assess the balance of those principles.

19 Q. Okay. Anything else besides those that --
20 factors that you just listed?

21 A. Yes.

22 Q. What?

23 A. I would have -- beyond looking at the
24 underlying data, I would have looked at reports from the
25 TLC website as well.

1 **Q. Report of what?**

2 A. It depends. I had access to different types of
3 reports in the TLC website, so things like -- things
4 like the shading maps, stuff like that.

5 **Q. And the map shading that you're referring to**
6 **would show you what types of information?**

7 A. It could -- it's a way to express something in
8 the data for the maps, yes.

9 **Q. Yeah. And my -- my question is: What is the**
10 **specific something that you determined from the shading**
11 **of the maps that you refer to in your work in this case?**

12 A. I believed I looked at CVAP shading, reports on
13 that.

14 **Q. Okay. For somebody who's not familiar with**
15 **that terminology, what do you mean by CVAP shading?**

16 A. Yeah. So CVAP is citizen voting age
17 population. It includes everyone who is a citizen above
18 the age of 18, and often this data is expressed as a
19 CVAP total. Sometimes it's by race. And using those
20 numbers, you can shade a map to varying degrees that
21 express percentages of CVAP, even for subgroups and so
22 on. And so I had access to those reports.

23 **Q. Okay. Is the shading that you're referring to**
24 **referred to as racial shading or shading that provides**
25 **information as to particular racial or ethnic groups**

1 within districts?

2 A. I believe so, yes.

3 Q. There are other types of shading, I believe.

4 Did you consult or -- or review or analyze any other
5 types of shading other than racial or ethnics shading in
6 your work in this case?

7 A. I believe I looked at several different types
8 of reports in maps. But I can't recall off the top of
9 my head exactly which of those were shading and an
10 extensive list. But I believe I refer to those in this
11 report or attach them to the appendix of the report.

12 Q. Okay. And what methodology did you use to
13 analyze data to determine compactness of a district?

14 A. The compactness scores would have been in the
15 TLC reports.

16 Q. You also stated that you analyzed the various
17 demonstrative plans for, quote, compliance with the
18 standards set forth in Gingles I. Could you explain the
19 methodology that you used for that purpose in your work
20 in this case?

21 A. Yes. So I would have been assessing the
22 demographic breakdown of the different mapping plans to
23 assess whether they meet that Gingles I threshold or the
24 extent to which they do.

25 Q. And the Gingles I threshold that you're

1 referring to is what?

2 A. It's colloquially referred to as 50 percent
3 plus 1.

4 Q. Okay. For somebody who is not familiar with
5 that, could you explain what that means in -- as applied
6 to your work?

7 A. As applied to my work, it would be the
8 demographic composition of a district, looking at that
9 and the Gingles I plank or -- or criteria refers to the
10 minority groups' demographics in a district. And so
11 that would refer to in this case in this report to
12 Latino population.

13 Q. Okay. Your expert report in paragraph 7 also
14 indicates that you were asked to analyze, quote, whether
15 the demonstrative districts subordinated traditional
16 districting principles to racial considerations.

17 How did you -- what was your methodology
18 for doing that?

19 A. Yeah. So I -- I looked at the traditional
20 redistricting principles. I would have looked at
21 different data from the TLC website that I had access to
22 through there to assess things like compactness, things
23 like total population, stuff like that.

24 Q. Any -- what else would be included in stuff
25 like that? I'm trying to get as complete a list as I

1 can of -- of how you did that work.

2 A. So it could -- if you pull up the traditional
3 redistricting criteria or follow the footnote that I
4 provided on that, it lists different criteria, which I
5 can't recall off the top of my head. But if I had
6 access to that part of my report, I would be able to
7 walk you through some of it.

8 Q. Okay. In paragraph 9 of your report, it
9 states, quote, The data referenced, analyzed and
10 considered in this report derived from the United States
11 Census Bureau and the Texas legislative counsel, or TLC.
12 You had not mentioned the census bureau -- did you --
13 before in your testimony today. What did you do to
14 access information from the United States Census Bureau
15 in connection with your work in this case?

16 A. I believe on point number 8 I reference the
17 redistricting software that I had access to. So I would
18 have loaded in the maps. And that's when I would have
19 seen things like data from the census bureau.

20 Q. Okay. Anything else?

21 A. Off the top of my head, that's all that I can
22 recall.

23 Q. Okay. Let's talk for a second about plan
24 C2163. Are you familiar with that one?

25 A. I am -- I am not familiar with any specific

1 plan. But I am happy to follow along to whatever
2 section.

3 Q. Okay. Plan C2163 is referred to on the second
4 page of your expert report under A1. Do you see that?

5 A. I -- in the document you provided, I do not see
6 A1. But if you could direct me --

7 Q. Okay. Do you -- do you see a heading called
8 Texas congressional plans?

9 A. I do right under that, yes.

10 Q. Okay. And then, right under that is A
11 referring to the Dallas/Fort Worth area. And I said 1.
12 It's I.

13 A. Oh.

14 Q. Plan C2163.

15 A. I do see that.

16 Q. Do you have any recollection at all about what
17 plan C2163 is?

18 A. If I can just take a second to read through to
19 refresh, I can answer that.

20 Q. Sure. Take your time.

21 A. Okay. I've read it.

22 Q. Okay. You now recall plan C2163 that's
23 discussed in your expert report?

24 A. I do see that, yes.

25 Q. Okay. Do you know whether or not that plan,

1 C2163, was ever voted on by the Texas House of
2 Representatives or the Texas Senate?

3 A. I'm not aware what the votes were or anything
4 like that outside of the actual enacted plan.

5 Q. Okay. Now, someone has told you, I believe,
6 that plan C2163 was somehow considered by the Texas
7 Legislature in 2021; is that right?

8 A. I believe so. But I can't recall off the top
9 of my head if -- if that specific information was said
10 to me.

11 Q. Okay. So you don't know as you sit here today
12 whether or not plan C2163 was ever considered in any way
13 by the Texas Legislature in 2021?

14 A. Off of the top of my head and on the record,
15 I'm not precisely sure.

16 Q. Okay. And would that also be true for 2023?

17 A. I believe so.

18 Q. Okay. Is it fair to say then that you have no
19 knowledge or information as to why the Texas Legislature
20 in 2021 enacted a different plan for congressional
21 districting in Texas?

22 A. I'm -- I'm trying to follow along with the
23 question and I -- I'm not understanding.

24 Q. Let me -- let me try again.

25 Okay. I understand that you don't know

1 really whether the Texas Legislature considered plan
2 C2163 in 2021, but you know that the Texas Legislature
3 enacted a different plan; is that right?

4 A. I only know for sure that the enacted plan was
5 considered because it was enacted.

6 Q. Okay. And you don't know why the Texas
7 Legislature enacted a different congressional plan than
8 the one you analyzed in your expert report, which was
9 plan C2163?

10 A. I was not --

11 Q. Is that correct?

12 A. I was not given testimony, hearing --
13 information from hearings or any transcripts or anything
14 like that with a justification.

15 Q. Okay. And I want -- don't want to limit the
16 possible sources of your knowledge to hearings and
17 transcripts. Is it correct that you have no knowledge
18 as to why the Texas Legislature enacted a different plan
19 than C2163 in 2021 for its congressional districts?

20 A. I -- I have not been provided with information
21 from any source where I am made aware of what exactly
22 the thinking was behind the Texas legislatures adapting
23 that -- adopting that.

24 Q. Okay. That's close to an answer for my
25 question. Is it fair to say that you don't know why the

1 **Texas Legislature adopted the congressional plan that it**
2 **adopted in 2021?**

3 A. I'm having trouble with the characterization.
4 And I just want to get this precise for the record. But
5 my understanding is that in my analysis, I would be able
6 to see the things that compact this. And so one that
7 they would have considered in my analysis or can opine
8 on that -- I can issue opinions about that, but I'm
9 not -- I have not received information stating that this
10 is the exact reason why they have chosen to go another
11 direction or chosen a specific map.

12 **Q. Okay. In paragraph 10 of your expert report,**
13 **there is a reference to plan C2913. You see that?**

14 A. I will scroll down to that. Which --

15 **Q. Paragraph 10.**

16 A. 10?

17 **Q. It's above where we were just looking under the**
18 **heading data.**

19 A. I'm -- just give me a second to look through.

20 **Q. Sure.**

21 A. 2193 is what you said?

22 **Q. Yes, sir.**

23 A. I do see that, yes.

24 **Q. Okay. Do you know anything about that plan?**
25 **Do you know what that plan was?**

1 A. Yes.

2 **Q. What do you know about it?**

3 A. I believe I -- I list what I know in the
4 report. I've looked at data from the TLC website
5 reports on it on all of these maps and so on. So I've
6 heard at different times. I'm made aware about the
7 plan.

8 **Q. Okay. Do you know whether plan C2193 was the**
9 **plan that the Texas Legislature enacted for its**
10 **congressional districts in 2021?**

11 A. I believe I list what the enacted plan is in
12 this report.

13 **Q. Okay. But as you sit here today, you don't**
14 **know?**

15 A. I would like to get those precise for the
16 record and provide accurate information. So if you can
17 give me a second to read through the report, I can
18 express an opinion on that.

19 **Q. I'd be happy to do that. And if you want to**
20 **take a break to read the report, that's fine too.**
21 **Whatever you would prefer.**

22 A. I'm happy to look through it and then provide
23 you with the answer.

24 **Q. Okay.**

25 A. Okay.

1 Q. Okay. Based on your review of your expert
2 report, were you able to determine what -- whether plan
3 C2193 is the plan that the Texas Legislature enacted for
4 its congressional districts in 2021?

5 A. I'm not precisely sure about the year. But if
6 you scroll through the report, I opine on Dr. Flores'
7 report about that plan.

8 Q. Okay. And do you have an understanding that's
9 the one that the Texas Legislature adopted for its
10 congressional districts?

11 A. I am, yes.

12 Q. Okay. And so if the enacted plan is C2193, do
13 you have either any general or specific information as
14 to why the Texas Legislature chose to enact plan C2193
15 as opposed to plan C2163?

16 A. I was not provided any information about the
17 reasoning that they had voted to adopt that.

18 Q. And based on all your work, you still have no
19 other information on that subject?

20 MS. DANAHY: Objection. I believe that
21 mischaracterizes the testimony.

22 A. I have access to all the information on these
23 mapping plans from the TLC website. And I was asked to
24 review mapping plans to look at things like compactness,
25 compliance -- compactness, the Gingles I, precondition

1 and so on, criteria from the traditional redistricting
2 principles. And so I do have access to information and
3 data that can probably -- can speak to the results of
4 the map, but I do not have any first-hand account of why
5 they adopted a certain plan over another.

6 **Q. I believe that's correct. Do you have any**
7 **second- or third-hand basis to determine why the Texas**
8 **Legislature enacted plan C2193 rather than plan C2163?**

9 **In other words, I know that you didn't talk**
10 **to the legislatures, but I'm asking whether you have any**
11 **other information that would tell you why the Texas**
12 **Legislature chose to enact one plan rather than another?**

13 **A. I'm aware of the -- the claims for this -- this**
14 **matter, this legal matter. And I'm aware that -- that**
15 **there's information that speaks to that, that I have not**
16 **been provided with any first-hand information, no.**

17 **Q. Your expert report in paragraph 10 also refers**
18 **to the plan designated as C2167. Do you recall or are**
19 **you familiar with that plan?**

20 **A. I see that in the report C2167, yes.**

21 **Q. Are you familiar with that plan or would you**
22 **have to go back and review it to know anything about it?**

23 **A. For C2167, I would have to review it to refresh**
24 **my memory.**

25 **Q. Okay. Do you know anything about how plan 2163**

1 came into being or who prepared it?

2 A. No. I'm not aware of who prepared it.

3 Q. Do you have any information as to the purposes
4 of the -- whoever paper it? In other words, why was it
5 prepared?

6 A. I'm sure that in the information I looked at on
7 the TLC website, it probably -- there was probably
8 information about that. But off the top of my head, I
9 do not know exactly who prepared it.

10 Q. My question was not so much prepared it but
11 what the purposes of preparing it were. Do you have any
12 information on that?

13 A. I don't believe -- I believe so.

14 Q. Okay. Do you know whether or not one of the
15 purposes in preparing plan C2163 was to maximize the
16 number of potential Latino congressional districts in
17 Texas?

18 A. I don't have any information on the purpose
19 behind it.

20 Q. If I ask the same question with respect to plan
21 C2167, is it also true that you don't have any
22 information as to who prepared that plan?

23 A. I believe so.

24 Q. And is it also true that with respect to plan
25 C2167, you have no knowledge as to the purposes of

1 whoever prepared that plan?

2 A. Not off the top of my head, no.

3 Q. And you don't know whether or not plan C2167
4 was prepared with the motivation to create as many
5 majority Latino congressional districts in Texas as
6 possible?

7 A. I'm not aware of the purpose behind that being
8 that.

9 Q. Okay. In your expert report, you discuss that
10 plan C2163 would include a proposed Texas congressional
11 district 37. Do you recall that?

12 A. I believe I opine on that CD 37.

13 Q. Okay. And are you aware that up till the
14 redistricting in Texas in 2021, Texas had only 36
15 congressional districts?

16 A. I'm vaguely aware that Texas received more
17 congressional representation.

18 Q. Okay. And so this proposed congressional
19 district 37 would be a new congressional district that
20 did not exist prior to 2020?

21 A. Potentially.

22 Q. And do you know what the Texas Legislature in
23 fact created as congressional district 37 in its plan
24 C2193 that it actually enacted and is in effect today?

25 A. Is there a way that you can rephrase that and

1 kind of summarize? There are different bits of it and I
2 just want to be accurate.

3 Q. Okay. Sure. I'll try to -- try to be clear.
4 Do you know where congressional district 37 in Texas is
5 today pursuant to the plan enacted by the Texas
6 Legislature in 2021?

7 A. I believe I show that in this report or I
8 provide it that the files are on the TLC website in the
9 appendix.

10 Q. Okay. Do you know?

11 A. Not off the top of my head, no.

12 Q. Okay. Do you know whether or not the choice
13 made by the Texas Legislature in 2021 as to the
14 placement of the additional congressional district 37 in
15 fact resulted in an additional Latino congressional
16 district in Texas? And by that I mean congressional
17 district that had 50 percent or more Latino voters.

18 A. Is this the enacted plan that you're referring
19 to?

20 Q. Yes, sir.

21 A. Off the top of my head without, you know,
22 looking at the tables and things like that, I'm not able
23 to answer that a yes or a no.

24 Q. Do you know what part of the state of Texas
25 current congressional district 37 is located in?

1 A. I believe in the section of my report, it's in
2 the DFW area. But I -- again, I would have to pull up
3 the map to be able to point that out for you.

4 **Q. Okay.**

5 MR. BRYANT: Mark, can we pull up the map
6 of plan C2163?

7 MR. CSOROS: Yes. I'm going to go ahead
8 and share my screen for this one.

9 MS. DANAHY: And are you introducing this
10 as an exhibit?

11 MR. BRYANT: Yes. That would appear to
12 be 4.

13 MS. DANAHY: I believe that's right.
14 (Exhibit Number 4 was marked.)

15 MR. CSOROS: Can everybody see what's up on
16 my screen?

17 THE WITNESS: I can -- I can see it now,
18 yes.

19 **Q. (BY MR. BRYANT) Okay. Dr. Rush, in the upper**
20 **right-hand corner of what we will refer to as Exhibit 4,**
21 **which is now on the screen, and entitled U.S.**
22 **congressional districts proposed plan, plan C2163, do**
23 **you see the proposed configuration of congressional**
24 **districts in Tarrant and Dallas County, Texas?**

25 A. It is really small. But in that -- if you can

1 zoom in to the part that you're looking at or referring
2 to, I can read a little bit better or see the writing.
3 I do see that on the right side of the document zoomed
4 in that there's a 37.

5 **Q. Okay.**

6 MR. BRYANT: And, Mark, do you think that's
7 the best we can do, which is better than the, you know,
8 first view of it?

9 MR. CSOROS: No. We can find the specific
10 bits for the two counties that it covers.

11 MR. BRYANT: Okay.

12 **Q. (BY MR. BRYANT) Does the proposed district 37,**
13 **Dr. Rush, appear in green on Exhibit 4?**

14 A. I do see a green district with a 37 on it, yes.

15 **Q. Okay. And is that the configuration of the**
16 **district that's the subject of your discussion in your**
17 **expert report regarding Dallas/Fort Worth congressional**
18 **districts?**

19 A. I believe so. That 2163 heading on this
20 document matches the mapping plan that I'm referring to,
21 and I also see the district number and the counties
22 right there, yes.

23 **Q. Okay. Do you have any estimate as to how far**
24 **that proposed congressional district 37 would stretch**
25 **from west to east?**

1 A. I do not have an estimate for you.

2 Q. Okay. Do you see that there is -- that it
3 stretches from the western side of Tarrant County to the
4 eastern side of Dallas County?

5 A. I do see it, yes.

6 Q. And do you see that there's an arm of that
7 proposed congressional district 37 that juts north in
8 Dallas County almost to the county line?

9 A. I believe I can make out the -- the
10 configuration of the district, yes.

11 Q. And -- and that configuration includes what I
12 just described?

13 A. That sounds accurate, yes.

14 Q. Okay. And would you agree that of all of the
15 proposed congressional districts on plan 2163 in Tarrant
16 or Dallas County that proposed congressional district 37
17 is the least compact?

18 A. I -- just by looking at it, I'm not sure about
19 that. I would have to look at the compactness scores to
20 offer that opinion.

21 Q. Okay. You can't -- you can't have an opinion
22 on that just based on your visual inspection of
23 Exhibit 4?

24 A. Well, since the -- since compactness scores are
25 a mathematical answer, without seeing that data and

1 understanding which compactness scores I'm looking at, I
2 can't do those calculations in my head.

3 Q. Do you -- would you agree that this is a
4 irregularly shaped proposed congressional district?

5 A. No.

6 Q. Do you have any knowledge as to anything
7 that -- as to whether or not people who live on the
8 western side of Tarrant County have a community of
9 interest with the people in proposed congressional
10 district 37 on the southeast side of Dallas County?

11 A. They could. It depends.

12 Q. Do you know whether they do or don't?

13 A. Off of the top of my head, there are -- there
14 are things like, you know, they live in the same state,
15 have the same governor. I'm not sure what the other
16 mapping plans -- who the other mapping plans group up,
17 but if they share a different district in the house --
18 in the state house and the senate -- state senate in
19 the -- in any of the other elected offices, then there
20 may be some commonality. I'm not sure what industries
21 are similar across them, so I just -- I don't have
22 enough information looking at this in front of me to
23 assess that.

24 Q. Okay. In part of your work in this case, did
25 you consider whether or not you needed to do any work to

1 determine if there's a community -- community of
2 interest between people in the varying arms of proposed
3 congressional district 37?

4 A. I don't believe I was asked to do that.

5 Q. And you didn't think you needed to do it in
6 order to render an opinion about whether proposed
7 congressional district 37 complies with traditional
8 redistricting principles?

9 A. I believe that in looking at the traditional
10 redistricting principles, communities of interest could
11 have been something that was considered. And so I would
12 have come across information looking through the TLC
13 website, reading through those reports that speak to
14 that. But off the top of my head, I can't recall
15 exactly what those were.

16 Q. Do you recall whether you reached any
17 conclusions as to whether or not the voters in the
18 different peninsulas of proposed congressional district
19 37 share any community of interest, other than things
20 like they have the same governor and they live in the
21 same state?

22 A. I don't believe that I come acrossed -- or I
23 don't believe I can point to a single piece of
24 information that speaks to that. But I'm aware that --
25 that they may share interests beyond what I see.

1 **Q. Can you describe any of the interest that you**
2 **believe they may share other than those that you**
3 **mentioned, like it is possible that they have similar**
4 **representatives in other governmental bodies?**

5 A. It's possible that they share interest over
6 things like environmental concerns. If there's a
7 highway that -- or an interstate that links them, they
8 may have an interest in state infrastructure. There's
9 just a different -- a whole slew of things that they can
10 share -- can share the -- the same interest in, but I'm
11 not aware of an exhaustive list or I can't provide that
12 off the top of my head right now, no.

13 **Q. Okay. Do you know whether there's a**
14 **substantial river that runs through Tarrant and Dallas**
15 **Counties?**

16 A. That's possible. It wouldn't surprise me, but
17 I'm not -- if I'm looking at this set of -- of PDFs, I'm
18 not -- that doesn't refresh my recollection, nor can I
19 point that out.

20 **Q. And you -- you don't have any personal**
21 **knowledge of that yourself, right?**

22 A. It's possible. I looked at maps with different
23 base maps. So things that would have showed satellite
24 imagery and whatnot. It's just I can't recall it off
25 the top of my head. And looking at this doesn't really

1 help with that.

2 Q. Okay. Is it fair to say that you have no idea
3 why whoever created plan C2163 configured proposed
4 congressional district 37 the way it is configured in
5 plan 261 -- 2163?

6 A. I don't believe that's fair. I'm answering
7 that off the top of my head. And looking at this, I'm
8 not able to find that information to recall or point to.

9 Q. Okay. Let's look at your expert report again
10 under that subpart A Dallas/Fort Worth area. But let's
11 look at subpart Roman numeral IV. Do you see that?

12 A. Can you repeat that? I'm sorry.

13 Q. Sure. I think we were looking previously at
14 the heading Texas congressional plans?

15 A. Got that.

16 Q. And A -- subpart A under that. And then there
17 are a series of Roman numerals in small letters. And so
18 I want to direct you to Roman numeral IV.

19 A. I can see that on my screen, yes.

20 Q. Okay. And it states, quote, I will provide
21 testimony of the layout of C2163 including describing
22 the geography that makes up the plan as well as its
23 other characteristics including the historical and
24 expected electoral performance of districts in the plan.
25 I will describe the plan's compactness in district shape

1 characteristics.

2 Could you tell me what you see as the
3 geography of proposed congressional district 37 in plan
4 2163? How would you describe that geography?

5 A. Just very basically I would describe that --
6 the geography of it as a district that expands across
7 Dallas and Tarrant County.

8 Q. So that's all the testimony you would expect to
9 give on that subject?

10 A. No.

11 Q. What else would you testify to?

12 MS. DANAHY: Hold on one second. Just to
13 get my objection, that mischaracterizes the testimony.

14 Go ahead.

15 A. I'm able to or can talk -- can speak about the
16 configuration of the map. Some of those characteristics
17 that you pointed out, the edges of the map, the
18 underlying cities, census designated places, things like
19 that.

20 Q. (BY MR. BRYANT) Okay. What do you know about
21 those?

22 A. Off the top of my head and looking at this
23 exhibit, there really isn't access to that information.
24 It is just a very basic map showing the shading and
25 where the districts are.

1 Q. Okay. So without doing -- as you sit here
2 today, you can't tell me anything more about the
3 geography of proposed congressional district 37 in plan
4 2163 beyond what you've already told me?

5 MS. DANAHY: Objection; mischaracterizes
6 the testimony.

7 A. In doing -- conducting my analysis and forming
8 my opinions, I had access to the actual maps, things
9 like District Viewer, Esri and so on. And so I am able
10 to speak to that. I just can't recall all of that
11 information off of the top of my head right now.

12 Q. (BY MR. BRYANT) Okay. Just tell me what you
13 do recall.

14 A. I believe I recall looking at the maps for
15 landmarks.

16 Q. Have you completed your answer?

17 A. So that was one thing that I looked at.

18 Q. Have you told me all that you -- that you know
19 or that you recall as you sit here?

20 A. I'm happy to answer whatever questions. But
21 I'm just -- I'm responding to the prompt.

22 Q. Okay. And my question is: Have you told me
23 all that you know or recall on the subject of the
24 geography of the proposed district --

25 A. No.

1 Q. -- as you sit here?

2 A. I don't believe that's everything, no.

3 Q. Okay. What else is there?

4 A. Things like -- like I mentioned before, census
5 designated places, county subdivisions, things like
6 that.

7 Q. Do you recall any more specifics as you sit
8 here?

9 A. It's hard to recall everything off the top of
10 my head. But I believe that anything that you would
11 have seen on a map I would have had access to and can
12 describe that configuration if I had access to that map.

13 Q. Okay. As you look at this map in the Dallas
14 County portion of it, do you see that there's a portion
15 of proposed congressional district 37 that is almost
16 completely surrounded by proposed congressional district
17 30?

18 A. I see district 30.

19 Q. And do you see that there's a portion of -- in
20 green that is barely corrected to the rest of proposed
21 congressional district 37?

22 A. I'm not sure that I would characterize that as
23 barely. But from this level of zoom on a PDF, it
24 appears a little bit more narrow than other spots.

25 Q. And do you have any information or knowledge as

1 to why the proposed congressional district 37 includes
2 an area that's almost completely surrounded by
3 congressional --

4 A. Again, I'm just trying to get things right for
5 the record. I don't know that I would -- I wouldn't
6 categorize it as almost completely surrounded. If you
7 look across the map, I'm sure you'll see other
8 configurations that might meet that description. But I
9 do see what you're pointing at, and I don't have off the
10 top of my head any specific information about what --
11 why that configuration is there.

12 Q. I think we've been going an additional hour
13 plus. Would anyone like to take a break?

14 MS. DANAHY: I think that sounds great.

15 A. Yes.

16 MR. BRYANT: Okay. Let's take a ten-minute
17 break.

18 (Recess taken 1:35 p.m. to 1:48 p.m.)

19 Q. (BY MR. BRYANT) Dr. Rush, looking again at the
20 same portion of your expert report that we looked at
21 before the break, one of the things that you said is
22 that you would provide testimony about the historical
23 and expected electoral performance of districts in plan
24 2163.

25 What do you plan to testify about in that

1 regard?

2 A. It depends on what I'm asked.

3 Q. Well, what -- what information do you have on
4 the historical and expected electoral performance of,
5 for example, proposed congressional district 37 in plan
6 216 -- C2163?

7 A. I believe that the TLC website has a list -- a
8 separate page for all elections and provides information
9 like that. So it could be anything about that
10 potentially.

11 Q. Okay. But as you sit here, do you have any
12 information on the historical and expected electoral
13 performance of proposed congressional district 37 in
14 plan C2163?

15 A. I believe I do have that information.

16 Q. What do you -- please give it to me.

17 A. I -- I think that in the appendix or the
18 appendices I provided access or I provided the data I
19 had access to through TLC. So that could include things
20 like electoral results. TLC also lists the data set for
21 results by VTD and so on and provides reports on that.
22 So it depends on what I'm asked. But I imagine if I'm
23 asked to opine on that, then that would be the purview.

24 Q. Okay. Let me see if I understand. You don't
25 have any information on that subject as you sit here,

1 **right?**

2 MS. DANAHY: Objection; mischaracterizes
3 the testimony.

4 A. I -- I believe I have access to all of that
5 information through the appendix through the TLC website
6 and so on.

7 **Q. (BY MR. BRYANT) Yeah. But I'm asking about**
8 **just what we're doing here today, without you going and**
9 **doing research from TLC, do you have any knowledge or**
10 **information on that subject today?**

11 A. Yes.

12 **Q. What is it?**

13 A. I have knowledge through my review of the
14 Flores report and through my review -- that Dr. Barreto
15 report. So I do have that.

16 **Q. Okay. Please tell me what you know today of**
17 **the historical and electoral performance of proposed**
18 **congressional district 37 in plan C2163.**

19 A. I'm -- I'm happy to scroll down in this report
20 to the tables below, which I believe can provide some
21 information on that. But without pulling up those
22 reports and looking through them, I can't off the top of
23 my head list everything.

24 **Q. Okay. I see the tables at the end of your**
25 **report, and they refer to HD 118, HD37, SD27, CD15. I**

1 don't see any information in there about proposed
2 congressional district 37. Is there any information in
3 your actual report about the historical or projected
4 electoral performance of proposed congressional district
5 37 in plan C2163?

6 A. I believe in the body of it, I think that --
7 I'm not sure. But if you give me a second to reskim
8 through it, I can answer that question.

9 Q. Okay. Please take the time you need.

10 A. Okay.

11 Q. Okay. Please provide that information.

12 A. I believe bullet point 6, so it would be I,
13 references for district 37, a line in there about
14 district performance or districts in which candidates
15 can elect -- or sorry -- Latino voters can elect their
16 candidates of choice.

17 And so in the appendix for this I expect
18 for there to be information on district performance
19 and -- or electoral performance. And I did reference
20 Dr. Barreto's report. And I believe -- I'm not sure off
21 the top of my head, but I believe that he provides an
22 analysis about that.

23 Q. Okay. What language from your report were you
24 just referring to?

25 A. I'm happy to -- I -- so I'm looking at bullet

1 point 6 of that same section you were pointing to.

2 Q. Okay. This VI --

3 A. The other -- yes.

4 Q. Okay. And it says, quote, Plan C2163 creates a
5 Latino CVAP majority district in Dallas/Fort Worth, DFW,
6 district 37 while maintaining the existing districts in
7 which Latino voters can elect their candidates of
8 choice.

9 Is that the language that you're referring
10 to?

11 A. That's the language that I'm referring to about
12 the information I have access to on electoral
13 performance, yes.

14 Q. Okay. And that is all you can tell me today
15 about the historical and expected electoral performance
16 for proposed congressional district 37 in plan C2163?

17 MS. DANAHY: Objection; it mischaracterizes
18 the testimony.

19 A. That line refers to the other districts or some
20 other districts in that plan. But I -- in this report I
21 also submitted that appendix. And so there should be
22 electoral performance or information on elections in
23 that. And I also --

24 Q. (BY MR. BRYANT) Yeah. I'm just --

25 A. I also had access to Dr. Barreto's report. And

1 so I -- I have access to that.

2 Q. Okay. And -- and I was just asking you about
3 what you know and can talk about today. Have you told
4 me everything in that regard as to the historical and
5 expected electoral performance of proposed congressional
6 district 37 in plan C2163?

7 A. I believe -- I'm struggling with the question
8 because it sounds like you're asking me a hypothetical
9 if -- I'm not sure if you're asking me a hypothetical or
10 you're asking for me to answer something about the
11 electoral performance.

12 Q. Here's -- I want to be very clear about it.
13 I'm just asking you about what you said in your report.
14 You said that you will provide testimony that includes
15 the historical and expected electoral performance of
16 districts in plan C2163.

17 And I'm asking you what, if any,
18 information you have today on that subject as to
19 proposed congressional district 37.

20 MS. DANAHY: Objection; misstates the
21 answer.

22 A. I'm saying I have access to that information.
23 It was provided in the appendix. I have access to the
24 TLC website and Dr. Barreto's report. So if this is a
25 question about what information I have, that's the stuff

1 that I have access to off the top of my head that I can
2 recall.

3 Q. (BY MR. BRYANT) To be 100 percent clear, I'm
4 not asking what you have access to. I'm asking what you
5 know, what you can tell me because the purpose of the
6 deposition is for me to find out what you know and will
7 testify about. If -- if you have any information,
8 please give it to me now.

9 A. I would have to look at those sources if you
10 were asking me questions about them.

11 Q. Okay. Now, the language that you just
12 referenced in subpart 6 or VI states that plan C2163
13 creates a Latino CVAP majority district, district 37,
14 while maintaining the existing districts in which Latino
15 voters can elect their candidates of choice.

16 What districts are those existing districts
17 in which Latino voters can elect their candidates of
18 choice?

19 A. So in -- I believe that in that section I'm
20 referring to the electoral data in the appendix or in
21 TLC. So off the top of my head, without looking
22 through, I can't name every single district. But if I'm
23 asked to opine on any specifics, then I could.

24 Q. Which ones can you name today?

25 A. Off the top of my head, nothing outside of the

1 report.

2 Q. There's nothing in the report that specifies
3 what you're referring to as the existing districts in
4 which Latino voters can elect their candidates of
5 choice.

6 Can you name any existing districts that
7 you refer to in subpart 6 or VI?

8 A. It's not general practice in social science to
9 memorize labels for districts and things like that as a
10 form of expertise or, you know, to offer an opinion.
11 Normally we look at the underlying data. We're able to
12 identify which districts perform for the Latino
13 candidate, which ones might be -- meet that Gingles
14 threshold and so on. So without having access to that
15 right now off of the top of my head, I -- I can't answer
16 that.

17 Q. Okay. In your expert report, do you know where
18 you refer to the report of Dr. Barreto?

19 A. Not off the top of my head, no.

20 Q. But you did consult that report and it is part
21 of your -- what you considered in coming up with your
22 expert opinions?

23 A. It's a little hazy for me whether I read the
24 report before or after. I might have misstated that.
25 If it's -- if I read it before, I definitely wrote in

1 the report that I had consulted it.

2 Q. Okay. In your expert report, you use the term
3 Latino; is that correct?

4 A. I believe so, yes.

5 Q. How do you -- how would you define or how do
6 you define Latino or who is a Latino?

7 A. I don't define that at all.

8 Q. Okay. You used the term. Are you using
9 somebody else's definition?

10 A. I am. The census bureau has years' worth of
11 data, years' worth of decisions that goes into that. So
12 I'm leaning in on them to provide that.

13 Q. Do you know what -- can you either state or
14 summarize the definition of Latino as used by the census
15 bureau and in turn used by you in your expert report?

16 A. I believe they actually used the word Hispanic
17 and categorized things based on that. But to my
18 knowledge, those terms are interchangeable.

19 Q. Okay. And so that was another question I was
20 going to ask you, which was: In your report and in your
21 work, are the terms Hispanic and Latino synonymous or
22 interchangeable?

23 A. In my work, I understand them to be closely
24 related to the point where in my purview it's been
25 interchangeable. But I'm sure that there are people

1 doing qualitative research or other things about
2 identity where they could answer that better.

3 Q. Well, I just want to know how you're using
4 those terms. And is -- if I understand it correctly,
5 you use them interchangeably or as synonyms?

6 A. I do as the census bureau's definition --

7 Q. Okay. Now, back to the census bureau's
8 definition. Can you lay that out for me or summarize it
9 for me?

10 A. I don't have the exacts off the top of my head.
11 But generally it usually refers to people of Spanish
12 descent.

13 Q. Okay. So generally that would mean that if you
14 have any Spanish ancestors, you're considered Latino?

15 A. It could.

16 Q. Okay. And similarly if you have any ancestors
17 from Latin America or the Spanish-speaking countries of
18 Central America or South America, is that included as
19 Latino?

20 A. It's possible. I don't have the specific
21 article or -- or scholarship to cite that, but it's
22 possible.

23 Q. Okay. And is the term Spanish surname
24 synonymous with Latino or Hispanic?

25 A. I believe that Spanish surname is the

1 designation for a branch of last names.

2 **Q. And what's its relationship to the term Latino?**

3 A. It could be used to indicate people who may
4 identify as Latino or who have -- who may have ancestry.

5 **Q. And, in fact, in all of your work, you use**
6 **statistics that in some way refer to Spanish surnames,**
7 **right?**

8 A. I believe I use what the TLC website does. So
9 that sounds right, if that's what they use.

10 **Q. Okay. Would you agree that there are people**
11 **who have Spanish surnames who are not Latino in the**
12 **sense of having Spanish or Central or South American**
13 **ancestry?**

14 A. They could. It's possible.

15 **Q. And would you agree that there are people who**
16 **do have Spanish or Central or South American ancestry**
17 **who don't have Spanish surnames?**

18 A. It's possible.

19 **Q. And therefore would you say that looking at**
20 **statistics about Spanish surname people is not a perfect**
21 **proxy for who is Latino or Hispanic?**

22 A. I would not agree to that, no.

23 **Q. Okay. You think that using the term Spanish**
24 **surname is a perfect proxy, i.e., it describes everyone**
25 **who is Latino or Hispanic?**

1 A. No. That's not what I'm saying.

2 **Q. Okay. Please explain.**

3 A. The research on Spanish surnames and the use of
4 that to identify specific voters' heritage, ethnicity is
5 pretty strong that aggregating that stuff up eliminates
6 the types of errors you refer to and balance it out. So
7 at the aggregate level, it's -- the research is showing
8 that it's pretty accurate.

9 **Q. Okay. What research is that?**

10 A. Off the top of my head, I can't name any. But
11 if you go to Google Scholar and search BISG, Bayesian
12 inform surname -- I'm not sure off the top of my head
13 what the G stands for, but I think that it's -- refers
14 to geography. But if you search into that vein in
15 political science, there are a ton of new studies about
16 that.

17 **Q. Okay. And so if you get a statistic for**
18 **Spanish surnames, how accurate is it in identifying**
19 **Latinos as you define them? 50 percent, 90 percent,**
20 **99.99 percent? What is it?**

21 A. I can't say that off the top of my head. I
22 don't have that research in front of me.

23 **Q. Okay. Do you have any estimate?**

24 A. No.

25 **Q. Is it fair to say that you don't know the**

1 extent of the inaccuracy that is involved in using
2 Spanish surnames as an indicator of who is or who is not
3 Latino?

4 A. No, that's not fair.

5 Q. Okay. Then explain what you do know about how
6 accurate it is or isn't.

7 A. My read of the literature is that it is fairly
8 accurate in aggregating up to higher levels of
9 geography. It becomes even more accurate accounting for
10 the overcount that you're explaining and then the
11 undercount based on people with those surnames who are
12 not Hispanic or Latino and people without those who
13 might be. So the research is fairly clear in political
14 science. There is a consensus that it is really -- it
15 is accurate. And even aggregating it up to things like
16 districts, it becomes more accurate.

17 Q. And if I heard you correctly, it is your belief
18 that it is, quote, fairly accurate, unquote.

19 Can you give me any more specificity as to
20 how accurate or inaccurate you think using Spanish
21 surnames is for determining the number of Latinos in a
22 district such as HD 118 in Bexar County, Texas?

23 A. Off the top of my head, without doing a
24 literature review, no. But as I referred to it before,
25 my read on the literature is that it's fairly accurate.

1 Q. Okay. Why don't we take a break for lunch?

2 (Recess taken 2:10 p.m. to 3:12 p.m.)

3 Q. (BY MR. BRYANT) Okay, Dr. Rush. Before the
4 break, we had talked about proposed CD 37 in plan C2163,
5 and we looked at a somewhat small map of it.

6 MR. BRYANT: Mr. Csoros, do you have a more
7 blown-up map that we can make visible to everybody else?

8 A. It should be up on the screen. Can everybody
9 see that?

10 MR. BRYANT: Yes. And so should we mark
11 this as Exhibit Number 5? Is that the right number?

12 MS. DANAHY: Yes.

13 (Exhibit Number 5 was marked.)

14 Q. (BY MR. BRYANT) Okay. Dr. Rush, can you see
15 that Exhibit 5?

16 A. I can, yes.

17 Q. Okay. Is this the -- does this appear to be
18 the proposed or include the proposed congressional
19 district number 37 --

20 A. Yes.

21 Q. -- as described in plan C2163?

22 A. I believe so. I see the -- the label on it,
23 too.

24 Q. Okay. And we had talked about that portion of
25 the proposed CD 37 in eastern Dallas County that is --

1 appears to be largely surrounded by congressional
2 district 30 in that plan. Do you see that area?

3 A. Are you referring to the -- the blue shading,
4 so the district 30? Yeah, I see that.

5 Q. Yeah. The blue shading is proposed district
6 CD30, and the proposed CD 37 extends over to the east so
7 that proposed CD30 largely surrounds the easternmost
8 portion of proposed CD 37. And as I recall before the
9 break, we had some discussion about whether that small
10 connector is small or not. Had the mapmaker taken that
11 easternmost of proposed CD 37 and included it in CD30,
12 would both the proposed CD30 and the proposed CD 37 be
13 more compact than is shown in Exhibit 5?

14 A. I'm not precisely sure because it's a
15 hypothetical and I don't have access right now to the
16 underlying data on compactness to say for sure how it
17 changes.

18 Q. Okay. Is it still your testimony that you
19 regard -- or is it your testimony that you regard
20 proposed CD 37 in plan C2163 as a compact district?

21 A. I believe I draw the conclusion in my report
22 that it's -- it adheres to a traditional redistricting
23 cite, which would be that they are also reasonably
24 exact.

25 Q. Okay. And so it's your testimony that proposed

1 **CD 37 is reasonably compact?**

2 A. In my analysis, it -- I drew the conclusion
3 after looking at the information that it did appear to
4 me to be reasonably compact.

5 **Q. And you stand behind that conclusion today?**

6 A. I would add that it's at least as compact as
7 the enacted plan across the conclusions that I drew.

8 **Q. And how did you determine that?**

9 A. By analyzing, looking at the compactness scores
10 and accounting for that.

11 **Q. And when you compare to the enacted plan, were**
12 **you comparing it to any particular congressional**
13 **district in the enacted plan, plan C2193?**

14 A. I -- you know, off the top of my head, I'm not
15 sure what the comparison was. As you said, the labels
16 have changed. There have been congressional districts
17 redrawn or new -- new congressional district labels.
18 And those things -- those -- like CD 37, parts of it may
19 be from an existing district, which would have come in
20 the benchmark map. So it's not entirely a brand-new
21 district. There are comparison points. But I believe
22 that in looking at the information, I determined it was
23 reasonably compact.

24 **Q. It being proposed CD 37? I just want to be**
25 **sure I know what your -- when you use the word it, it's**

1 **clear what you're referring to.**

2 A. Yes. Across the districts that I looked at in
3 this plan, I looked at the compactness scores, analyzed
4 that and believe they adhere to traditional
5 redistricting principles, which includes reasonable
6 compactness --

7 **Q. Okay.**

8 A. -- balancing that.

9 **Q. And so specifically, again, your testimony is**
10 **that proposed CD 37 as shown in Exhibit 5 is reasonably**
11 **compact in your opinion?**

12 MS. DANAHY: Objection; that
13 mischaracterizes the testimony and is asked and
14 answered.

15 A. I came to the conclusion in my report after
16 reading this or looking at the data and analyzing the
17 extent to which it adheres to traditional redistricting
18 principles that it is reasonably compact.

19 **Q. (BY MR. BRYANT) Thank you. Okay. I mentioned**
20 **a little bit earlier today the congressional district 37**
21 **that the Texas Legislature in fact enacted in 2021,**
22 **which was referred to as plan C2193.**

23 MR. BRYANT: Mr. Csoros, can you show us
24 all a depiction of the congressional district 37 in
25 Texas as enacted in plan C193?

1 MS. DANAHY: And, again, are we introducing
2 this as an exhibit at this point?

3 MR. BRYANT: As what?

4 MS. DANAHY: Is this going to be an
5 exhibit?

6 MR. BRYANT: Yes. This is -- let's mark
7 this or refer to this as Exhibit 6.

8 (Exhibit Number 6 was marked.)

9 MR. CSOROS: Dr. Rush, can you see that up
10 on your screen there?

11 THE WITNESS: I can. I see the PDF.

12 **Q. (BY MR. BRYANT) Okay. Have you -- have you**
13 **seen this congressional district 37 as enacted in plan**
14 **C2193 before?**

15 A. I believe if it's listed in my report then it
16 would have been something that I had looked at.

17 **Q. Well, plan C2193 is listed in your report. I**
18 **don't think there's any discussion in your report of**
19 **plan -- of CD 37 in that plan specifically. So I'm just**
20 **asking you whether you have seen this CD 37 in the**
21 **enacted plan before right now.**

22 A. As I said before, I had access to the TLC
23 website. I looked at different map plans. The ones
24 that I was asked to opine on are in there. So it's
25 possible that I looked at other ones, I listed this, and

1 I did look at this one in order to -- in order to have
2 written that in my report then I must have looked at
3 this, yes.

4 Q. Okay. As you sit here today, do you recall
5 having looked at CD 37 as it was enacted by the Texas
6 Legislature in plan C2193 before today?

7 A. From the top of my head if it's not written in
8 a summary in my report, I'm not exactly sure what the
9 analysis yielded or what things look like. But I
10 believe that I had access to this map and seen it.

11 Q. Okay. Are you familiar with Travis County,
12 Texas?

13 A. Vaguely, yes.

14 Q. Okay. And is this -- the CD 37 that the Texas
15 Legislature enacted in 2021, a large majority located in
16 Travis County, Texas?

17 A. As I look at the PDF, it looks -- it looks like
18 37. Yeah. That -- that looks correct.

19 Q. Okay. And do you know who was the Hispanic
20 candidate of choice in CD 37 as enacted in the year
21 2022?

22 A. I can't recall that off the top of my head, no.

23 Q. Do you know who was the Hispanic candidate of
24 choice in CD 37 as enacted in plan C2193 in 2024?

25 A. I believe I read through the Barreto report.

1 And he has an analysis about this, but I'm vague on the
2 details. So off the top of my head, no.

3 **Q. Do you know who was elected to congress in CD**
4 **37 as enacted in 2022?**

5 A. Without having that report or information in
6 front of me off the top of my head, I can't recall.

7 **Q. Is it fair then to say that you don't know**
8 **whether the Hispanic candidate of choice was in fact**
9 **elected in CD 37 as enacted in the year 2022?**

10 MS. DANAHY: Objection; that
11 mischaracterizes the testimony.

12 A. I can't recall that off the top of my head.
13 And that's what I'm saying.

14 **Q. (BY MR. BRYANT) Okay. And do you know who was**
15 **elected to congress in CD 37 as enacted in 2024?**

16 A. I don't have the information in front of me. I
17 don't have the Barreto report or anything like that, so
18 I can't off the top of my head recall.

19 **Q. Since you don't know who was elected and you**
20 **don't know who was the Hispanic candidate of choice in**
21 **CD 37 as enacted in 2024, is it fair to say you don't**
22 **know whether the Hispanic candidate of choice was**
23 **actually elected in CD 37 in 2024?**

24 A. I -- I believe that you're mischaracterizing my
25 testimony and what I'm saying. I'm -- all I'm saying is

1 that off the top of my head I can't recall that.

2 Q. Okay. And whether you call it off the top of
3 my head or -- I'm sure you prepared for your deposition
4 today. Did you do so?

5 A. I did prepare.

6 Q. Okay. And was proper -- part of your
7 preparation assessing who actually won in the enacted
8 Texas CD 37 for 2022 or 2024?

9 A. Off the top of my head, it is -- I believe that
10 I had read a report that was germane to this. I think
11 that it was the Barreto report. I had read that a
12 couple of days ago. And when I combed through that
13 report, I would have been looking for things like
14 whether they were elected or not just to learn that
15 knowledge and make sure I -- I was aware of that. But I
16 did not prepare with specific candidate names.

17 Q. Okay. And therefore is it fair to say that you
18 don't know whether or not the Hispanic candidate of
19 choice was elected in 2024 in CD 37 as enacted by the
20 Texas Legislature?

21 A. I can't recall off the top of my head, no.

22 Q. Okay. Also on this exhibit --

23 MR. BRYANT: This is 6, right?

24 MS. DANAHY: That sounds right to me.

25 MR. BRYANT: Okay.

1 Q. (BY MR. BRYANT) There's indicated a
2 congressional district 35. Do you see that in blue?

3 A. I see it on the exhibit you're showing, yes.

4 Q. Okay. Are you familiar at all with Texas
5 congressional district 35 as enacted in plan C2193?

6 A. Whatever familiarity I have with it would be in
7 my report. So I'd have to look at that and make sure.

8 Q. Okay. Do you know what the Hispanic candidate
9 of choice in Texas CD35 was in either '22 -- 2022 or
10 2024?

11 A. I can't recall who it was off the top of my
12 head.

13 Q. And do you know whether or not the Hispanic
14 candidate of choice in CD35 was elected to congress in
15 2022, 2024 or both?

16 A. Not off the top of my head. But if you would
17 pull up that report, I'm happy to show you.

18 Q. And do you know who was elected in Texas CD35
19 in 2022 or 2024?

20 A. Not off the top of my head, no.

21 Q. Do you know whether Texas CD35 as enacted by
22 the Texas Legislature was a district with a majority of
23 Latino voters?

24 A. I believe all my opinions about that are in my
25 report. So I'd have to go refer back to my report to

1 answer --

2 Q. Okay.

3 A. -- straight for the record.

4 Q. But you don't know without going back into
5 your -- your appendices?

6 A. I don't have everything in my report memorized
7 off the top of my head. So, yes, I'm asking that --
8 this information is contained in my report. And if it
9 is, then I would be able to tell you, but not off the
10 top of my head.

11 Q. Are you familiar with a congressman named
12 Gregorio Casar?

13 A. I can't recall names right off the top of my
14 head like that, no.

15 Q. Do you know whether or not the Texas
16 legislature's decision to adopt plan C2193 resulted in
17 the first Latino ever to be elected to congress in
18 Travis County, Texas?

19 A. Again, I would refer to my report. Off the top
20 of my head, I can't recall that.

21 Q. Is it fair to say that in the proposed CD 37
22 that is discussed in your opinion that would be located
23 in Dallas and Tarrant County, Texas, it would create a
24 Latino opportunity district and that the decisions made
25 by the Texas Legislature with respect to CD 37 and 35,

1 in fact, accomplished that objective of creating a
2 Latino opportunity district?

3 A. I'm really sorry, but you had multiple
4 compounds in there. And I --

5 Q. Okay. I'll be happy to break it down?

6 A. Yeah.

7 MS. DANAHY: I object to lack of
8 foundation.

9 MR. BRYANT: Okay.

10 Q. (BY MR. BRYANT) You stated in your opinion
11 that proposed CD 37 in plan 2163 would, in your
12 judgment, create a Latino opportunity district that met
13 traditional redistricting principles, right?

14 A. I don't have that in front of me. But if you
15 can put that exhibit up or post the link again, then I
16 could open that and get to the bottom of that for you.

17 Q. Okay. I'm just asking about what your opinion
18 is, if you -- if you know what your opinion is as to
19 whether the proposed CD 37 in plan 2163 was something
20 that you believed would create a Latino opportunity
21 district that met traditional redistricting principles.
22 Was that part of your opinion and conclusion?

23 A. And I'm happy as the person under oath to get
24 that precisely correct for the court and provide the
25 most complete information. And I do not have that

1 report in front of me. I'm happy to answer it, but
2 you're asking me to recall off the top of my head, and
3 I'm unable to do that right now.

4 **Q. Okay. And do you know whether or not the Texas**
5 **Legislature in fact accomplished that in CD35 and 37 as**
6 **enacted, namely creating a Latino opportunity district**
7 **where none existed in a way that complies with**
8 **traditional redistricting principles?**

9 A. My conclusions are in my report and the
10 information needed is in that appendix. So off the top
11 of my head, you're asking me to recall things without
12 giving me access to those, and I just want to get the
13 record right for the court.

14 **Q. Okay. And you -- you don't know the answer**
15 **without going back and looking at other things?**

16 A. I don't know how to testify under oath to the
17 veracity of something without being able to verify it.

18 **Q. Okay. Let go ahead and look at the proposed**
19 **district 29 in plan 2163 in Harris County.**

20 MR. CSOROS: Can everyone see that?

21 MR. BRYANT: Yes. Is that -- can you blow
22 that up as big as you can?

23 MR. CSOROS: Yes.

24 MR. BRYANT: And I know there's a limit.

25 Okay. What we have in front of us is part of which

1 exhibit, Mark?

2 MS. DANAHY: I don't think we've marked
3 this one. Is this Exhibit 7?

4 MR. BRYANT: Okay. Do you see --

5 MS. DANAHY: Is this -- that was a
6 question. Is this Exhibit 7? Are we marking this as
7 Exhibit 7?

8 MR. BRYANT: I'm happy to do so if we
9 haven't previously marked it.

10 (Exhibit Number 7 was marked.)

11 **Q. (BY MR. BRYANT) This is again just a statewide**
12 **map of plan C2163, which we did see before.**

13 MS. DANAHY: This is the enacted plan,
14 right?

15 MR. BRYANT: No. This is the proposed --
16 that is the subject, I believe, of Dr. Rush's opinion.

17 MS. DANAHY: Okay. So I'm looking at the
18 exhibit label on the top of this, and it says C2193 --

19 MR. BRYANT: Okay.

20 MS. DANAHY: -- so I think those are
21 different maps. I think that's why we're -- we're
22 getting -- and getting kind of confused.

23 MR. BRYANT: Okay.

24 MS. DANAHY: There's a lot of numbers and a
25 lot of districts, so I think --

1 MR. BRYANT: I agree.

2 MS. DANAHY: We can look --

3 MR. BRYANT: And so -- and so, Mark, I
4 think what we want to look at is the proposed plan 2163.

5 MR. CSOROS: Okay. 2163. Does everyone
6 see that one?

7 MR. BRYANT: Yes. Okay. And let's -- and
8 we have previously marked that one as what exhibit?

9 MR. CSOROS: It's Exhibit 4. This is
10 previously marked as Exhibit 4. Can everyone see on the
11 screen?

12 MR. BRYANT: Okay.

13 **Q. (BY MR. BRYANT) So we're looking at Exhibit 4.**
14 **It includes a statewide map, but we're focusing now on**
15 **Harris County. Dr. Rush, can you see that proposed**
16 **congressional district 29 in Harris County?**

17 A. I do see that.

18 **Q. And you can see that it's in light green?**

19 A. I can see the light green, yes.

20 **Q. Okay. Is that the proposed CD29 that is**
21 **discussed in your expert report under B, Houston area?**

22 A. It could be. If I had access to that report to
23 verify it, it could be.

24 MS. DANAHY: Can we just show the report
25 when we're asking him questions about that? I think the

1 issue is he's looking at the screen and the screen is
2 only showing one thing. But if we look at what his
3 report says, it will be helpful to have that up as well.

4 MR. BRYANT: Okay. Well, we'll go back to
5 that.

6 Q. (BY MR. BRYANT) Let me just ask you a question
7 or two about this. Do you have any -- any opinion as to
8 whether or not proposed CD29 as shown on Exhibit 4 is a
9 reasonably compact district?

10 A. Probably.

11 Q. You probably have an opinion or you probably
12 believe it is?

13 A. I probably have an opinion.

14 Q. Okay. What is your opinion?

15 A. I don't have my report in front of me or
16 anything like that that I had relied on for those
17 opinions in drawing those conclusions to state that
18 accurately for the record.

19 Q. Okay. Do you know anything about the geography
20 of proposed CD29 as shown on Exhibit 4 other than it's
21 in Harris County?

22 A. What I know is in my report. And the
23 information I relied on is in the appendix and on the
24 TLC website.

25 Q. And without looking back through your reports,

1 **you know nothing?**

2 MS. DANAHY: Objection; that --

3 MR. BRYANT: On that subject?

4 MS. DANAHY: -- mischaracterizes the
5 testimony and is argumentative.

6 A. I probably have an opinion on it that I listed
7 in the report. Off the top of my head, though, you're
8 asking me to recall that for the record without
9 providing me that. So I'm trying to be helpful and I'm
10 trying to get it right as well.

11 Q. (BY MR. BRYANT) Yeah. I'm not trying to do
12 anything other than find out what, if anything, you know
13 without -- as you sit here and testify today because
14 this is the only day I get to ask you questions at least
15 prior to trial, and I'd like to know what you know
16 today.

17 What, if anything, do you know about the
18 geography of proposed CD29 as shown on Exhibit 4?

19 A. I'm happy to answer that. But this isn't
20 really how social science works. It's outside of the
21 norm. So I'd love to get a copy of my report in front
22 of me and the appendices and answer that for you, but
23 I -- I just don't have that.

24 Q. Okay. And without it, you can't answer?

25 A. I can answer. But I -- I'm under oath right

1 now. And this is for the record, and so I just want to
2 provide the court with the most accurate information.
3 And so rather than guessing or, you know, haphazardly
4 say anything I'm asking you that without having that in
5 front of me, I'm not able to recall that off the top of
6 my head.

7 **Q. Okay. And I certainly don't want you to guess**
8 **or speculate.**

9 MR. BRYANT: Okay. Mark, can we look at a
10 copy of Dr. Rush's report? Okay.

11 MR. CSOROS: You see it up on the screen?

12 THE WITNESS: I see the top of the report,
13 yes.

14 **Q. (BY MR. BRYANT) Okay. Let's look at the third**
15 **page of that report, which is under B, Houston area.**
16 **And I want you to take whatever time you need to review**
17 **that portion of your report -- expert report regarding**
18 **the Houston area and then I want to ask you some**
19 **questions about it.**

20 A. Yeah. I'd love to see it in context, but I'm
21 only able to read what you have on the screen.

22 MR. CSOROS: Would you prefer that I resend
23 the link so that you see the entirety of the report?

24 THE WITNESS: Yes. That would be really
25 helpful.

1 MR. BRYANT: I'm fine with that if -- if
2 you are, Molly.

3 MS. DANAHY: Yeah. That will be helpful.
4 I will note I think, though, in Guzman any of the
5 appendices or underlying data, it just includes the
6 report, so...

7 MR. BRYANT: Okay. Do you want to take a
8 five- or ten-minute break to give Dr. Rush plenty of
9 time to review it?

10 MS. DANAHY: I think it depends on what
11 you're asking him to review. Are you asking him to
12 review the report that is being put up and --

13 MR. BRYANT: I asked him to review the
14 portion of his expert report regarding the Houston area.

15 MS. DANAHY: Yeah.

16 MR. BRYANT: Although he's welcome to
17 review anything else in his report as well.

18 MS. DANAHY: Did we get the link?

19 Dr. Rush, do you have the report?

20 THE WITNESS: I do. I have it open. Sorry
21 about that.

22 MS. DANAHY: No worries. Do you want to
23 just let us know when you've had a chance to review the
24 section on Houston?

25 THE WITNESS: Yeah. I can just read

1 through it and let you know.

2 MS. DANAHY: Thank you.

3 A. Okay. I've been able to read through it, that
4 section.

5 Q. (BY MR. BRYANT) Okay. Yeah. In the
6 subsection B of your expert report regarding Houston
7 area, you describe a proposed district 29; is that
8 right?

9 A. Yes. It's under one of the subheadings in
10 there.

11 Q. Yes. And do you have any information about the
12 geography of that proposed CD29 in plan 2163?

13 A. Could you -- could you define or help me
14 understand what you mean by any information?

15 Q. Yeah. For example, in subsection 4 you say, I
16 will provide testimony of the layout of C2163 including
17 describing the geography that makes up the plan.

18 And so proposed CD29 is part of that plan
19 C2163. And I'm asking you what information you have
20 regarding the geography of that proposed district.

21 A. I -- in my report I have conclusions that I
22 drew about it as well as in the appendix I have
23 information about the geography.

24 Q. Okay. I'm trying to get an idea about what
25 you're going to testify to at trial. And you're saying

1 in your expert report you're going to testify about
2 describing the geography of plan C2163. And I'd like to
3 know what you plan to testify about in that regard
4 specifically relating to proposed CD29.

5 A. Can you ask the question or let me know what
6 the question is, then?

7 Q. Yeah. What is the information that you have
8 regarding the geography of proposed CD29 in plan C2163
9 that you could describe at trial in your testimony?

10 A. I could describe anything about the shape of
11 the district. I could stuff about the city's census
12 designated places, things like that, anything that would
13 be descriptive about the district and what's included in
14 it.

15 Q. Okay. Can you tell me any of that information
16 today?

17 A. I'm having trouble answering that because off
18 the -- you're asking me off the top of my head. But
19 I -- I can tell you what's on the map. I have the maps
20 and the appendices from the TLC website and stuff like,
21 so it depends on what I'm asked about the geography. I
22 can opine on that and talk about that at the trial.

23 Q. But you can't do so today?

24 MS. DANAHY: Objection; mischaracterizes
25 his testimony.

1 You can -- you can answer.

2 A. I -- I don't have the specifics about what I
3 could be asked at trial right now or what those
4 descriptions could be or could look like.

5 **Q. (BY MR. BRYANT) Okay. You also say in the**
6 **same subparagraph that you expect to give testimony**
7 **about the historical and expected electoral performance**
8 **of districts in plan 2163. What information can you**
9 **give me about the historical and electoral performance**
10 **specifically of proposed CD29 under plan C2163?**

11 A. Again, it's -- it's difficult to answer the
12 hypothetical questions. So we're foreshadowed forward.
13 But I can imagine it could be anything about
14 performance, anything from other experts' reports,
15 anything from the TLC's reports about the performance of
16 those districts in elections or anything about
17 elections. So that to me seems like all well within the
18 purview. But, again, it depends on what I'm asked.

19 **Q. Well, tell me what you know today on that**
20 **subject, if anything?**

21 A. I -- so I have what's in my report. I can -- I
22 have what's in my report. I have what's in the
23 appendices. But off the top of my head, the questions
24 don't really seem specific to a piece of information or
25 are not asking me to draw a conclusion or something. So

1 I'm struggling to answer the question. It seems to be
2 more of a hypothetical that I don't think I'm not
3 grasping.

4 Q. Okay. You have just reviewed the portion of
5 your expert report that discusses congressional
6 districts under plans C2163, including specifically
7 proposed plan 29, CD29, and I'm just asking you since
8 you say you're going to testify about it at trial what
9 you know about it today in terms of historical or
10 expected electoral performance of that district or
11 proposed district, CD29.

12 A. Yeah. I mean, I'm -- I'm qualified to look at
13 and read performance analyses and to comb through that
14 electoral type of data, candidate choice, things like
15 that. Off the top of my head, it -- it seems like you
16 are asking me what conclusions I've come to.

17 And -- and all of my conclusions are -- so
18 far are in this report. I'm happy to -- I could be
19 asked anything about -- in this purview in the trial
20 and -- and I haven't been right now. But I'm happy
21 to -- I could be asked about electoral performance,
22 things like that that I have listed.

23 Q. Yeah. There's -- there's nothing whatsoever in
24 the report itself about the expected or historical
25 performance of proposed CD29. And yet you say in your

1 expert report that you're going to testify about it at
2 trial. Being prepared for that, I need to know what you
3 know on that subject. And I don't seem to be able to
4 get you tell me what you know or that you don't know
5 anything. Is that -- can you help me understand what
6 you do know about -- today about the expected or
7 historical performance -- electoral performance of
8 proposed CD29?

9 A. Sure. I don't have any -- any specific
10 expectations. I could be asked to look at a performance
11 analysis. I could be asked to look at electoral
12 information results. I could be asked to look at
13 elections within districts. There is a list of things
14 that I could be asked to look at and to opine on and
15 offer opinions. As of right now I have not been asked
16 to -- to draw conclusions from that. So I'm just trying
17 to provide you that information accurately.

18 Q. Okay. And I -- I understand that you can't
19 predict exactly what you're going to be asked at trial.
20 I'm not asking you to predict it. I'm just asking you
21 what you know on that subject, if anything, today on the
22 historical or expected electoral performance of proposed
23 CD29.

24 Do you know anything about that you can
25 tell me today?

1 A. I believe whatever I have on that is in the
2 appendix under the reports. So that would speak to
3 that.

4 **Q. Okay. And are you referring me to that because**
5 **you don't know, as you sit here, any of that**
6 **information?**

7 A. I can't recall off the top of my head that
8 information.

9 **Q. Okay. Let's --**

10 MR. BRYANT: Mark, if we could bring up
11 Texas house plan HD 118.

12 MR. CSOROS: All right. Can everyone see
13 that? Unfortunately, it's not in color.

14 **Q. (BY MR. BRYANT) Okay. Let's give this an**
15 **exhibit designation.**

16 MS. DANAHY: Are we on 8?

17 MR. BRYANT: 8?

18 MS. DANAHY: I believe.

19 (Exhibit Number 8 was marked.)

20 **Q. (BY MR. BRYANT) And, Dr. Rush, could you**
21 **identify Exhibit 8 for us?**

22 A. Sure. I see a heading that says house district
23 118. I see the TLC logo on the other side. I see the
24 Texas legislature's insignia. And then on the bottom
25 right I see what looks like plan H2316.

1 Q. Okay. Do you know what plan H2316 is?

2 A. I believe so, yes.

3 Q. What is that?

4 A. I believe that in my report -- I believe I
5 looked at different versions of 118 in this area. But I
6 guess off the top of my head, I -- I can't recall if
7 this is the enacted or one of the proposed or one of the
8 demonstrative or the benchmark.

9 Q. Okay. Do you know -- can you provide any
10 information about the differences, if any, between house
11 district 118 as enacted by the Texas Legislature in 2021
12 and the proposed house district 118 that you describe in
13 your expert report as part of plan H2176?

14 A. Yes, I can.

15 Q. Okay. Could you describe those generally?

16 A. It's a pretty open-ended question. But in my
17 report, I come to conclusions, I believe even
18 referencing this from the Flores report. I did an
19 analysis with that.

20 Q. Okay. And I'm glad you asked -- you said that
21 because it appears to me that in your expert report, you
22 do an evaluation of HD 118 and that Dr. Flores also did
23 an evaluation of HD 118; is that right?

24 A. I'm not exactly sure. So I had looked at -- I
25 reviewed his report and then checked his findings. And

1 I believe that there's a section in my report that
2 separately -- where I address this district, but I'm not
3 sure the specifics of where -- in what context.

4 Q. Okay. In your expert report at subpart 5 or
5 Roman numeral small V, you say, quote, Plan H2716
6 includes a Latino opportunity district in Bexar County
7 house district 118. This district's above the
8 50 percent plus 1 Gingles I threshold as shown in the
9 attached reports.

10 Do you know whether or not HD 118 as
11 actually enacted by the Texas Legislature in 2021 is
12 also a Latino opportunity district as you use that term
13 in your expert report?

14 A. There's a couple things here: One, are you
15 asking me to refer to my report?

16 Q. You are welcome to, but I'm not asking you to
17 refer to your report if you can answer the question
18 without doing so. But --

19 A. As I've -- this is -- I believe I'm looking at
20 a different plan in that subheading than you were
21 looking at then. This looks like 2316, and the
22 subheading that you had listed was details 2176.

23 Q. Exactly. And my understanding, which is not
24 relevant -- it's yours that matters -- is that there is
25 a house district 118 that was enacted as part of plan

1 2316. And there's a proposed house district 118 that is
2 part of plan H2176 that you opine about in your expert
3 report.

4 And so my question -- another way to ask my
5 question is: Isn't it true that both the proposed HD
6 118 in plan 2176 and the actual enacted HD 118 in plan
7 2316 are both Latino opportunity districts as you use
8 that term?

9 MS. DANAHY: I'm going to object to lack of
10 foundation. The exhibit that we're looking at, which I
11 believe you said, doesn't have any information that
12 could answer that question. And so I'm just a little --
13 I'm a little lost. I really don't mean to interrupt,
14 but I'm a little lost on how we're looking at the plan
15 that he described in the report and this plan that's on
16 the page -- that's on the screen.

17 MR. BRYANT: Okay.

18 Q. (BY MR. BRYANT) Dr. Rush, can you answer the
19 question? Aren't both the -- of the proposed plans and
20 enacted plan Latino opportunity districts?

21 A. I believe that if I had the -- I listed in the
22 report my conclusions about the proposed one. So that
23 would be 2176, I believe. And in that context, that
24 does reach the Gingles threshold in my analysis. I
25 found it to be 50 percent plus 1 in Latino CVAP. But I

1 don't currently in front of me have in the appendix
2 information on district -- house district 118 from 2316.

3 Q. Okay. In your expert report at paragraph 18,
4 this is the portion where you reviewed Dr. Flores'
5 analysis. You stated, quote, The changes to HD 118 make
6 it such that while the district remains majority Latino
7 on its face, the ability for Latinos to elect their
8 candidates of choice has been diluted.

9 Do you recall that opinion you expressed in
10 your expert report?

11 A. I'm reading -- I followed along under bullet
12 point 18. And, yes, that's what it says.

13 Q. Okay. And so this -- if this exhibit from
14 C2316 is the enacted house district 118, it's your
15 opinion that it remains majority Latino; is that right?

16 A. I believe it -- what I had written was that on
17 its face it -- it appears majority Latino.

18 Q. Okay. And then your conclusion is, quote, The
19 ability for Latinos to elect their candidates of choice
20 has been diluted.

21 What do you mean by the term diluted there?

22 A. I believe this is referring to -- I had looked
23 at different data points that are in the appendices and
24 other experts' reports. And I believe this refers to
25 the performance analyses or something of that nature

1 on -- or racially polarized voting that I had looked at.

2 Q. Okay. I'm asking you about just the meaning of
3 the term diluted as you use it in your expert report.

4 Can you explain what you mean by that?

5 A. Yeah. So I agree with Dr. Flores'
6 observations. So he does an in/out analysis showing the
7 changes between the two, and I include those conclusions
8 right under those bullet points.

9 Q. (BY MR. BRYANT) Okay. And my question is:
10 What -- what do you both mean when you use the term
11 diluted?

12 A. Well, that refers to looking at the Spanish
13 surname voter registration and information like that,
14 HCVAP, changes to that.

15 Q. What do you mean by the term diluted? What
16 does diluted mean to you?

17 A. Reduced.

18 Q. Okay. And if it's reduced even by a tiny
19 amount, would you say it is fair to say it's diluted?

20 A. It depends on the context. But it's possible.

21 Q. Okay. So, for example, if there were a
22 district in which there was a 99 percent chance of
23 electing a Latino and there are changes made that reduce
24 it to 98, would it be fair to say that that change meant
25 the ability for Latinos to elect their candidates of

1 **choice has been diluted?**

2 A. It depends on the context, other underlying
3 information. This is asking me to draw a professional
4 opinion in social science. And so I just don't have all
5 the facts of that case to be able to answer that.

6 **Q. I thought that you said that if there is a**
7 **reduction, that means that there has been dilution?**

8 MS. DANAHY: Objection; mischaracterizes --

9 **Q. (BY MR. BRYANT) Is that right?**

10 MS. DANAHY: Mischaracterizes his
11 testimony.

12 A. I'm -- I'm referring to that in/out changes in
13 Dr. Flores' analysis specifically as it pertains to the
14 SSVR and HCVAP and changes to that.

15 **Q. (BY MR. BRYANT) I'm not asking you about this**
16 **particular instance right now. I'm just asking you in**
17 **general. As you use the term dilution, is any reduction**
18 **in the chances of electing a Hispanic candidate of**
19 **choice a dilution?**

20 A. It's possible.

21 **Q. Okay. Do you know any actual electoral results**
22 **for house district 118 from 2018 forward in any**
23 **election?**

24 A. I believe I looked at the reports that pertain
25 to that.

1 Q. And what were those results?

2 A. I can't recall them off the top of my head.

3 Q. Do you know who represents house district 118
4 in Texas?

5 A. Not off the top of my head. I can't recall
6 that, no.

7 Q. Do you know anything about the election results
8 in 2024 for house district 118 in Texas?

9 A. Again, for the electoral outcomes, I'm sure
10 I've read them across different reports. But off the
11 top of my head, no.

12 Q. Do you know whether or not a Latino has ever
13 been elected in house district 118?

14 A. I can't recall that off the top of my head.

15 Q. Do you know whether or not --

16 MS. DANAHY: Hold on one second. I just
17 want to make my objection on the record.

18 Objection; that was vague. Are you
19 referring to enacted 118 or any election in the history
20 of Texas in the districts --

21 MR. BRYANT: Well, obviously nobody could
22 be elected in a proposed district that was not enacted.
23 So I am -- I am asking about the actual districts.

24 Q. (BY MR. BRYANT) Do you know that a Latino was
25 elected in house district 118 in 2024?

1 A. Off the top of my head, I don't know that.

2 Q. Do you know that the candidate -- that the
3 successful candidate defeated in 2024 was also a Latino?

4 A. Off the top of my head, I don't have access to
5 that to recall.

6 Q. Did you know that both of the candidates
7 nominated by the Republican and Democratic parties in
8 house district 118 in 2022 were Latinos?

9 A. Off the top of my head, no, I don't have that
10 information on recall.

11 Q. Do you know that a Latino has been elected in
12 house district 118 as enacted in every election from
13 2018 forward till today?

14 A. Off the top of my head, I don't recall who was
15 elected.

16 Q. Okay. Would it be relevant for you to know who
17 has been elected in the district both before and after
18 the current plan 2316 was enacted in order to express an
19 opinion as to whether or not the ability for Latinos to
20 elect their candidate of choice in house district 118
21 has been diluted?

22 A. Not necessarily.

23 Q. Could you explain why not?

24 A. Well, sometimes a Latino candidate can be the
25 candidate of choice. A performance analysis would show

1 that, a RPV analysis. Sometimes the Latino candidate
2 isn't the candidate of choice. And so without specifics
3 on all of this looking at the performance analysis, I
4 can't -- it just depends on the underlying facts.

5 **Q. Do you have any opinion as to whether or not**
6 **Latino voters in house district 118 as enacted in 2021**
7 **are able to elect the Latino candidate of choice in that**
8 **district?**

9 A. I do.

10 **Q. And what's your opinion?**

11 A. My opinions in my report in reviewing the
12 Flores report and corroborating what he says, I look at
13 his in/out analysis. And it does appear that the
14 necessary component has been reduced, which is Spanish
15 surname voting. And some of those changes may put into
16 question the ability to elect a candidate of choice.

17 **Q. And it is your testimony that what has in fact**
18 **happened is not relevant?**

19 MS. DANAHY: Objection; mischaracterizes
20 the testimony.

21 A. That's not what I'm saying.

22 **Q. (BY MR. BRYANT) Okay.**

23 MR. BRYANT: Mark, could you bring up the
24 information on the actual results in house district 118
25 as enacted?

1 Let's call this, what, 9?

2 MS. DANAHY: That sounds right to me.

3 Q. (BY MR. BRYANT) We'll call this Exhibit 9.

4 (Exhibit Number 9 was marked.)

5 Q. (BY MR. BRYANT) And this appears to be a Texas
6 Public Radio article dated November 6, 2024, entitled
7 Republican John Lujan is reelected in close Texas house
8 district 118 race.

9 Have you ever seen this document before,
10 Dr. Rush?

11 A. I've not seen this article.

12 Q. Have you ever seen any other information
13 regarding the Texas house district 118 race in 2024?

14 A. I believe so.

15 Q. And what do you believe you have seen?

16 A. My vague recollection from the other reports is
17 that I think I had read -- when I had read the Barreto
18 report -- the Dr. Barreto report that he opined on this
19 and showed the performance analysis and detailed that.

20 Q. Other than that, have you either obtained or
21 sought any information about the Texas house district
22 118 race in 2024?

23 A. I believe the election results are updated on
24 TLC. And I vaguely remember or recall that in the
25 reports.

1 Q. Do you have any reason to believe -- to doubt
2 that John Lujan is a Latino?

3 A. I have no reason to doubt he is who he says he
4 is.

5 Q. Well, I don't know who he says he is. My
6 question is: Do you have any reason to doubt that he's
7 a Latino?

8 A. I don't -- I don't have any expert opinion on
9 that.

10 Q. I'm not asking about expert opinions. I'm just
11 asking about, do you have any reason to doubt that
12 John Lujan, as described in this article, is a Latino?

13 A. I don't believe I have any opinion on that.

14 Q. Okay. Could we look at the first part of the
15 body of that article that's Exhibit 9?

16 Okay. And it says that, Lujan defeated
17 Democratic challenger Kristian Carranza with 51.7 of the
18 vote.

19 Do you have any reason to doubt that
20 Democratic challenger Kristian Carranza is a Latina?

21 A. I have no opinion about the identities of the
22 candidates.

23 Q. Okay.

24 MR. BRYANT: Can we go ahead and -- Mark,
25 do you have another exhibit that shows the historical

1 results going back a few elections in Texas house
2 district 118?

3 MR. CSOROS: I don't believe we have one at
4 this point. We can get one together I believe if
5 necessary.

6 MR. BRYANT: It's okay. I know everybody's
7 ready to proceed.

8 Q. (BY MR. BRYANT) The next district that is
9 discussed in your expert report after Texas house
10 district 118 is Texas CD15. Do you recall having
11 opinions about Texas congressional district 15?

12 A. I don't recall off the top of my head. But if
13 you let me know where it is in the report, I can look at
14 that.

15 Q. Okay. That is at -- begins at paragraph 19 in
16 your expert report.

17 A. Okay. So right under what we were just looking
18 at?

19 Q. Exactly. It's the next one. And so take
20 whatever time you need to review your expert report as
21 it pertains to Texas congressional district 15.

22 A. Will do. Thank you.

23 Okay. I've read through that section.

24 Q. Okay. And in this analysis, you were referring
25 not to a -- what we have referred to as a proposed plan

1 but to something called the benchmark plan. Could you
2 explain what a benchmark plan is?

3 A. Sure. Just generally the benchmark plan is --
4 it can be the plan in place from a prior redistricting
5 cycle. So it's just a comparison point for proposed
6 plans.

7 Q. Okay. And in your expert report beginning at
8 paragraph 19, when you refer to the benchmark plan, is
9 that the plan that was in place prior to redistricting
10 or something else?

11 A. I believe it's right there in the figure that
12 comes from Dr. Flores' report. So that C2100 would
13 refer to whatever plan, whether that was enacted last
14 cycle, whether that was enacted in 2021 or so on would
15 give you that information.

16 Q. Okay. Did you bother to determine which of
17 those it was? Or did you just go with whatever plan
18 Dr. Flores was using, but you don't know for sure what
19 it is?

20 MS. DANAHY: Objection; mischaracterizes
21 his testimony and is argumentative.

22 A. Sorry. The benchmark plans, it's my
23 understanding on TLC that they're labeled accordingly.
24 So while there are all these other proposed plans like
25 C2193, it would be something with a round number, a

1 couple zeros at the end. And so looking through TLC's
2 website, it lets you filter for enacted plans, proposed
3 plans. There's even a tab for the LULAC exhibits. And
4 so I was able to look through that stuff and -- before
5 writing this report. And specifically this section, I
6 would have verified those things with that information.

7 **Q. Okay. So we're talking about the plan that was**
8 **referred to in your expert report as C2100. Can you**
9 **tell me whether or not that was the congressional**
10 **districting plan that was in effect in Texas immediately**
11 **prior to redistricting or not?**

12 MS. DANAHY: I'm sorry. Are you referring
13 to H2100? Are we talking about house districts or --

14 MR. BRYANT: I'm talking about C2100
15 because we're talking about CD15.

16 MS. DANAHY: Okay. I'm just lost in the
17 report. That was my --

18 MR. BRYANT: Well, on the previous page
19 there's a reference to -- to H2100.

20 MS. DANAHY: I see. I was looking at the
21 wrong table. Thank you. I'm -- thank you.

22 MR. BRYANT: No problem at all.

23 **Q. (BY MR. BRYANT) So, Dr. Rush, do you recall my**
24 **question?**

25 A. I believe you asked if I had verified that plan

1 number.

2 Q. I'm asking whether you know what C2100, also
3 referred to as the benchmark plan, actually was?

4 A. I believe that it was a previously enacted
5 plan.

6 Q. And was it the plan that was in effect
7 immediately prior to Texas congressional redistricting
8 in 2021?

9 A. Because there were several cycles of
10 redistricting, I'm not off the top of my head able to
11 confirm that information. But I would have come across
12 it in the TLC reports and checked that.

13 Q. Okay. In paragraph 25 in your expert report,
14 it states, quote, The changes to CD15 make it such that
15 while the district remains majority Latino on its face,
16 the ability for Latinos to elect their candidates of
17 choice has been minimized.

18 Is that your opinion?

19 A. Yes. So I confirmed Dr. Flores' analysis and
20 reviewed that. And with the changes that he detailed
21 that I write here, I came to the conclusion it had been
22 minimized.

23 Q. Okay. And what do you mean by the term
24 minimized in your expert report?

25 A. Reduced.

1 Q. Is it the same or different as your use of the
2 term diluted?

3 A. It's so -- I'm not sure if this is a question
4 about precise language. Could you clarify that's what
5 you're asking?

6 Q. I'm happy to try to clarify it. We discussed
7 earlier in your testimony you used the term diluted, and
8 you told me it just means reduced and that if it's
9 reduced a lot or reduced a little, it could be referred
10 to as diluted; is that fair?

11 MS. DANAHY: Objection; mischaracterizes
12 the testimony.

13 Go ahead, Dr. Rush.

14 A. I believe in both instances it's -- they're
15 just synonyms for made smaller.

16 Q. (BY MR. BRYANT) Okay. So that would apply
17 also to minimize or does that have a different meaning?

18 A. It could, yes. They're synonyms.

19 Q. Okay. So if -- again, I gave you the example.
20 If the chances of electing a Latino candidate of choice
21 was reduced from 99 to 98, would it be fair to say that
22 it had been minimized?

23 A. It's possible. It depends on the underlying
24 facts.

25 Q. Okay. You would not say, would you, that the

1 changes of CD 15 made it such that the ability for
2 Latinos to elect their candidates of choice was minimal?

3 A. I believe that minimal is not a synonym for --
4 to have made smaller. It's something else and I have no
5 opinion about that.

6 Q. Okay. I would use minimal to mean very small.
7 Is that the way you use that term?

8 A. I don't believe that I used minimal.

9 Q. Okay. Do you have any opinion as to whether or
10 not CD 15, as enacted by the Texas Legislature in 2021,
11 allows Latinos to elect your candidates of choice?

12 A. And my opinions are in the report in reviewing
13 Dr. Flores' analysis. It appears that some key
14 ingredients or key things that would opine to that or
15 help me draw that conclusion are things like Spanish
16 surname, voter registration or things like Hispanic
17 CVAP. So I draw that conclusion in my analysis.

18 Q. Okay. But you can clarify something for me. I
19 understand your analysis and your conclusion to be that
20 the differences between the benchmark C2100 and CD 15,
21 as enacted in some way, makes smaller or reduce or
22 minimize the ability of Latinos elect their candidate of
23 choice. Is that fair?

24 A. I believe so. So Spanish surname voter
25 registration, changes to the geography reflect that the

1 resulting district was -- had lower Spanish surname
2 voter registration and lower CVAP.

3 Q. Okay. And do you have an opinion as to whether
4 even after those changes, Latinos in CD 15 are still
5 able to elect their candidate of choice?

6 A. Not off the top of my head. But I believe that
7 was detailed in the Barreto report and would have seen
8 some information on the TLC's website and data in that.

9 Q. As part of your work in this case, did you do
10 any investigation as to any actual election results in
11 Texas CD 15?

12 A. No. I didn't independently do a performance
13 analysis.

14 Q. Do you know who was elected congress -- to
15 congress in CD 15 in 2024?

16 A. I believe you just showed me.

17 Q. No. I was talking about HD 118 then.

18 A. Okay.

19 Q. Do you know who was elected in 2024 in CD 15?

20 A. Not off the top of my head.

21 Q. Do you know who any of the candidates were for
22 congress in CD 15 in 2024?

23 A. I can't recall them off the top of my head.

24 Q. Do you know who any of the candidates for
25 congress in CD 15 were in 2022?

1 A. No, I can't recall them.

2 Q. Do you know whether a Latino candidate was
3 elected to congress in CD 15 in 2022, 2024 or both?

4 A. I can't recall whether or not a Latino
5 candidate was elected. But I believe the -- the
6 information to opine on that would have been if they
7 were a candidate of choice.

8 Q. Okay. We've used that term Latino or Hispanic
9 candidate of choice in your testimony and in your
10 report. What exactly does that mean to you?

11 A. There's an analysis to determine who a minority
12 preferred candidate is. So you would have to run the
13 numbers and see if there is racial block voting or block
14 voting and who the candidate that the minority group
15 prefers, who they're more likely to vote for, who they
16 spread more vote share over. And of course there's
17 crossover voting, except in extreme circumstances. But
18 that would indicate who the candidate of choice is.

19 Q. Do you know who the candidate of choice was in
20 any election in CD 15?

21 A. Not off the top of my head, no.

22 Q. And I gather that you did not feel that it was
23 necessary to do that analysis and determine what the
24 Latino -- Latino candidate of choice was in CD 15 in
25 order to arrive at your expert opinions in this case; is

1 **that right?**

2 A. I had access to different reports, different
3 information. And I believe that I had looked that up
4 on -- in -- in Dr. Barreto's report. So it is not my
5 opinion or testimony that -- I didn't think it was
6 relevant. I'm just telling you off the top of my head I
7 can't recall it.

8 **Q. Okay.**

9 MR. BRYANT: Mark, do you have the
10 information or exhibit as to who actually has been
11 elected in CD 15 under the plan enacted by the Texas
12 Legislature in 2021?

13 **Q. (BY MR. BRYANT) Okay. Do you see that**
14 **exhibit? This will be Exhibit 10.**

15 (Exhibit Number 10 was marked.)

16 A. I do see, it looks like election results. It
17 doesn't say the exact district, but I see 2022, and some
18 names and some vote totals.

19 **Q. (BY MR. BRYANT) Okay. Do you recognize any of**
20 **those names?**

21 A. I don't believe I recognize the names.

22 **Q. Okay. Do you have any reason to believe that**
23 **Monica De La Cruz is not a Latino?**

24 A. I have no -- no professional or otherwise
25 opinion on their identities.

1 **Q. And do you have any reason to believe that**
2 **Michelle Vallejo is not a Latino?**

3 A. I have no professional opinion or personal
4 opinion about the identity of these folks.

5 **Q. Okay. If -- I'll represent to you that these**
6 **are election results for CD 15, as enacted by the Texas**
7 **Legislature. If Monica De La Cruz and Michelle Vallejo**
8 **are Latina, does it appear to you that approximately**
9 **98 percent of the votes for congress in 2022 in CD 15**
10 **were cast for Latina candidates?**

11 A. Are you totalling up the percentages from De La
12 Cruz and Vallejo?

13 **Q. Yes.**

14 A. Those appear the total to the number that you
15 gave.

16 **Q. Okay. And assuming for a second that that**
17 **information is correct, would you still believe that the**
18 **ability for Latinos to elect their candidates of choice**
19 **in CD 15 have been minimized?**

20 A. I have no information on the block voting,
21 whether there's block voting to the extent to which
22 there's block voting or who Latino -- the HCVAP or
23 whatever metric for Latino or Hispanic, I have no
24 ability to verify what this information -- what the
25 block voting looks like to understand who the candidate

1 of choice is. So I can't answer whether or not -- I
2 can't answer the question very accurately, no.

3 Q. Okay. Is it fair to say that simply by looking
4 at these 2022 election results, they would not cause you
5 to doubt your expressed opinion in your -- paragraph 25
6 of your expert report that CD 15 is enacted, minimizes
7 the ability for Latinos to elect their candidates of
8 choice?

9 A. I don't believe this speaks to that at all or
10 provides any information relevant.

11 Q. Okay. Let's look at the 2024 results just
12 below that on Exhibit 10. Looks like the same two
13 candidates. And if these results are correct, which I
14 have no reason to doubt, would it be correct to say that
15 100 percent of the votes were cast for either Monica De
16 La Cruz or Michelle Vallejo?

17 A. I believe just looking at this that there are
18 only two candidates. And without a qualified write-in
19 or anything like that or any other extraneous
20 information, it -- I -- I'm having trouble answering the
21 question. But it looks like all votes were cast for
22 either candidate.

23 Q. Okay. And looking at these results under
24 enacted CD 15 for 2022 and 2024, would you still
25 maintain your opinion set forth in paragraph 25 of your

1 expert report that in CD 15, quote, The ability for
2 Latinos to elect their candidates of choice have been
3 minimized, unquote?

4 A. This tells me absolutely zero information about
5 the candidate of choice. There's no RPV or performance
6 analysis in this whatsoever. This isn't social science.
7 This wouldn't be the norm for drawing conclusions for
8 social science either.

9 Q. Okay. Let's look at Texas State Senate
10 district 27, which is discussed in your expert report
11 beginning at paragraph 26. Could you take a moment to
12 review your expert report as it pertains to Texas State
13 Senate district court 27? And I'll ask Mark while
14 you're doing that to bring up a map of Texas State
15 Senate district 27.

16 A. Is there time for a short break?

17 MR. BRYANT: Absolutely. Let's take a ten
18 minute break.

19 (Recess taken 4:40 p.m. to 4:51 p.m.)

20 Q. (BY MR. BRYANT) Dr. Rush, did you get a chance
21 to review the portion of your expert report that
22 pertains to the Texas Senate district 27?

23 A. You know what, I had gotten tea and used the
24 restroom and forgot to read that part --

25 Q. Okay.

1 A. -- so I apologize.

2 Q. Why don't you take a moment to do that. It
3 begins at paragraph 26.

4 MR. BRYANT: And, Mark, I'll ask if you can
5 put up a map of Texas State Senate district 27.

6 THE REPORTER: Is this Exhibit 11?

7 MR. BRYANT: Yes.

8 (Exhibit Number 11 was marked.)

9 A. Okay. I've read through to 31.

10 Q. (BY MR. BRYANT) Okay. Did you express an
11 opinion in your expert report about senate district 27?

12 A. Yes, I believe so.

13 Q. Are any of the Brooks plaintiffs, who you were
14 acting as an expert for, did they have any residents or
15 other relative interest in Texas Senate district 27?

16 A. Could you repeat that? I'm sorry.

17 Q. Right. Are -- first of all, are any of the
18 Brooks plaintiffs, who designated you as an expert in
19 this case, are they residents of Texas Senate district
20 27?

21 A. I'm not sure about where they live exactly.

22 Q. Okay. And if you're not sure whether they have
23 any connection with Texas Senate district 27, why did
24 you analyze and provide opinions about Texas Senate
25 district 27?

1 A. I analyzed the districts that I was asked to;
2 and likewise, I'm not aware of any -- where the
3 plaintiffs live in other districts.

4 **Q. So Mr. Dunn asked you to analyze and arrive at**
5 **and express opinions about Texas Senate district 27?**

6 A. I'm not exactly sure if it was Mr. Dunn or one
7 of the other lawyers who I've been in contact with. But
8 the plaintiff's lawyers asked me to look at that, yes.

9 **Q. And specifically was it one of the lawyers for**
10 **the Brooks plaintiffs who asked you to examine or**
11 **analyze Texas Senate district 27?**

12 A. I'm not privy to the distinctions between whose
13 lawyers belong to who and so on. I just know that the
14 people who ask me if I'd be able to deliver an expert
15 opinion and who had asked for me to opine on this, asked
16 for me to look at this district in the Flores report.

17 **Q. Okay. And who asked you to look at any of the**
18 **districts other than Mr. Dunn?**

19 A. I believe it was Mr. Dunn, but I'm not 100
20 percent sure right now.

21 **Q. Who -- who besides Mr. Dunn asked you to**
22 **examine any districts in connection with this case?**

23 A. I didn't -- I believe it was just him that was
24 asking, but again, I can't recall the specifics about
25 that conversation about these districts.

1 Q. Okay.

2 A. I believe it was Mr. Dunn.

3 Q. Looking at paragraph 27 of your expert report,
4 it begins, quote, Despite the benchmark SD 27, having a
5 population of 831,674, which was 108,504, under the
6 ideal population, 169,981 people were moved into the
7 district and 79,504 people were moved out of the enacted
8 SD 27.

9 There's a reference there to a benchmark SD
10 27. Do you know whether the benchmark SD 27 was from
11 the plan in effect immediately prior to the 2021
12 redistricting or to some other benchmark?

13 A. I'm -- I'm not 100 percent sure, but I know
14 that it's marked S2100, so I'm not sure when that was
15 enacted, but that was the benchmark plan I was operating
16 on.

17 Q. Okay. Looking at paragraph 28, it states,
18 quote, The enacted SD 27 changed from 80.5 percent in
19 the benchmark plan to 72.8 percent in the enacted map.

20 What does that refer to? Can you explain
21 that?

22 A. Yeah. I believe that bit -- and I should add
23 the language in there, so it's clear, but refers to
24 either SSVR, which is the Spanish surname voter
25 registration or the HCVAP, but I'm almost sure that it's

1 the former.

2 Q. Okay.

3 A. But I'll be happy to -- yeah.

4 Q. It would be fair to say it's not made clear in
5 paragraph 28 which one it is?

6 A. I didn't put SSVR, so I can -- I can definitely
7 clarify that.

8 Q. You can clarify that some time in the future?

9 A. Yeah. I'm happy to make that clear.

10 Q. Okay. And on paragraph 31, you state, quote,
11 SD 27 appears to remain a majority Latino district, but
12 the removal high turnout SSVR VTDs minimized Hispanic
13 voters' opportunity to elect a candidate of choice,
14 unquote.

15 Is that a accurate statement of your
16 opinion expressed in paragraph 31?

17 A. Yes. You read verbatim from the exhibit marked
18 as my report on bullet point 31.

19 Q. Okay. And as you use the term, minimized, do
20 you mean that in the same sense we discussed earlier,
21 namely it just means it reduced it to some extent?

22 A. Yes, reduced.

23 Q. And it doesn't imply it's a small, medium or
24 large reduction?

25 A. That's not immediately clear in the conclusion,

1 but looking at the reference to the data prior, you can
2 see the extent of it. That tells what you the magnitude
3 is.

4 Q. Okay. Do you have an opinion as to whether or
5 not the Latino voters of Texas State Senate district 27,
6 as enacted by the Texas Legislature in 2021, have or do
7 not have the ability to elect their candidate of choice?

8 A. I believe I -- I speak to that opinion here,
9 the conclusion I drew was with those changes, it reduces
10 the -- reduces the opportunity, yes.

11 Q. Right. And I'm asking you whether even after,
12 and assuming there was a reduction, do you have any
13 opinion as to whether or not they're still able to elect
14 the Latino candidate of choice in Texas State Senate
15 district 27 as enacted?

16 A. I believe, again, referring the --
17 Dr. Barreto's report I read he opines on that. And I
18 can't recall off the top of my head. But as it stands,
19 I have not -- I can't recall off the top of my head if
20 it elects or not.

21 Q. Okay. So I assume you don't know who has been
22 elected in Texas State Senate district 20 -- 27 in 2024
23 or 2022; is that right?

24 A. Not off the top of my head, that's correct.

25 Q. And you don't know whether either or both of

1 the major candidates for Texas State Senate district 27
2 or were Latino or not?

3 A. I'm not sure how that's relevant to if they're
4 a candidate of choice or not.

5 Q. Whether or not you deem it relevant, do you
6 know?

7 A. Off the top of my head, no.

8 Q. Do you have any reason to believe that under
9 enacted Texas State Senate district 27, do you have any
10 reason to doubt that Latinos who comprise the majority
11 of the population of that district have the ability to
12 elect their candidate of choice?

13 A. I don't have that information in front of me,
14 primarily the performance analysis that would show the
15 block voting and the extent to which its possible. But
16 the conclusions that I drew in this report, I believe
17 the that possibilities less because of the changes
18 in-out report in terms of Spanish surname, voter
19 registration and turnout.

20 MR. BRYANT: Okay. Mark, can you bring up
21 the next exhibit, I think it will be 12, that describes
22 the actual election results in Texas Senate district 27?

23 MR. CSOROS: Can everybody see that on the
24 screen?

25 MR. BRYANT: Yes, please.

1 THE WITNESS: Yes.

2 (Exhibit Number 12 was marked.)

3 Q. (BY MR. BRYANT) Okay. Really in page
4 Exhibit 12, that indicates that in the election in 2024,
5 the Republican candidate was Adam Hinojosa and the
6 democratic candidate was Morgan LaMantia who was the
7 incumbent and that Senator Hinojosa won by a relatively
8 modest amount. Do you have any reason to believe that
9 either Candidate Hinojosa or Candidate LaMantia are
10 Latino?

11 A. I have no opinion about the identities of
12 these.

13 Q. And if these results that show in Exhibit 12
14 are correct, is it the case that approximately 97 and a
15 half percent of the votes in 2024 in Texas Senate
16 district 27 were cast for Mr. Hinojosa or Mr. --
17 Ms. LaMantia?

18 A. Just looking at this Wikipedia article, I'm
19 going to take the leap that this is accurate and
20 well-sourced, but it still doesn't show me about block
21 vote or anything like that. So I have -- this
22 doesn't -- I have no reason to doubt the identities of
23 these candidates, but I don't have an opinion on that.

24 Q. Well, my question was not about block voting.
25 My question was about whether these results are

1 accurate, 97 and a half percent of the votes in that
2 district in 2024 were cast for Latino candidates. Do
3 you have any reason to doubt that?

4 A. I mean, I haven't verified myself whether or
5 not they're Latino. I have no reason to doubt that. It
6 does look like of the top two candidates, they receive
7 the percentage of the vote share combined that you had
8 stated.

9 Q. Okay.

10 A. Yeah.

11 Q. And you see the election results for 2022 as
12 well, right?

13 A. I believe so, right under.

14 Q. Okay. And is it correct that 100 percent of
15 the votes in Texas State Senate district 2022, as
16 enacted by the Texas Legislature in 2021, were cast for
17 Latino candidates?

18 A. Again, I have nothing here to verify. I'm sure
19 what you're saying is true about their identity, and I
20 have no reason about that. Just looking at what you're
21 showing me, it just shows that 100 percent of the vote
22 went to either of the top two candidates.

23 Q. And assuming this information is correct, would
24 you still maintain the opinion that the Hispanic voter's
25 opportunity to elect a candidate of choice in Texas

1 Senate district 27 has been minimized by the changes the
2 Texas Legislature made in the final enacted Texas Senate
3 district 27?

4 A. Yes. I maintain that opinion. And this
5 doesn't opine on that at all. It isn't really relevant.
6 It doesn't show any of the demographic voting patterns,
7 anything about RPV block voting, anything like that to
8 make that assessment. So I've been shown nothing to --
9 that seems germane to the analysis I would need to do to
10 change that opinion or confer with this information.

11 Q. Okay. Did you also in your work --

12 MS. DANAHY: Mr. Bryant, can I ask a quick
13 clarifying question? I'm noticing these exhibits, we're
14 looking at a page of several exhibits --

15 THE REPORTER: Your audio is not coming
16 through clear.

17 MR. BRYANT: I'm having a hard time
18 understanding you.

19 MS. DANAHY: Is that better? Can you hear,
20 me?

21 MR. BRYANT: I think so. You can --

22 MS. DANAHY: I think I have to be really
23 close to the microphone. I was saying with this one and
24 the SD 27 results, we were looking at one or two pages
25 in a longer document. I just want to be sure the full

1 document would be in the record since we didn't have a
2 chance to review it.

3 MR. BRYANT: Okay. Whatever has been
4 placed on the screen and referred to as the exhibit,
5 will be the exhibit.

6 MS. DANAHY: All nine pages of this one?

7 MR. BRYANT: Are you saying that you want
8 to look at it?

9 MS. DANAHY: No. I'm just saying since
10 we're not looking at the whole document -- I just want
11 to make sure the full document is in the record since
12 you're showing this nine-page document.

13 MR. BRYANT: Okay. And you'll have an
14 opportunity to ask him about any parts of the documents
15 that you want.

16 **Q. (BY MR. BRYANT) Okay. Let's talk about Texas**
17 **house district 37. That's the subject of your analysis**
18 **and opinions as well; is that right?**

19 A. I believe so, following the section you just
20 had me looking at.

21 **Q. Okay. And I think you began discussing that**
22 **one at paragraph 32.**

23 MR. BRYANT: Mark, could you please bring
24 up as Exhibit 13, a map of Texas house district 37 as
25 enacted?

1 MR. CSOROS: Should be on the screen. You
2 should be able to see it.

3 MR. BRYANT: Okay.

4 Q. (BY MR. BRYANT) Dr. Rush, can you identify
5 Exhibit 13 as a map of the house district 37 as enacted
6 by the Texas Legislature in 2021?

7 A. I'm still reviewing the section you just had me
8 looking at in my report, so if you give me about
9 30 seconds or so --

10 Q. Sure.

11 A. -- I'll be able to return my attention. Thank
12 you.

13 Okay. I've read through that.

14 Q. Okay. Can you identify Exhibit 13 as a map of
15 house district 37, as enacted by the Texas Legislature
16 in 2021?

17 (Exhibit Number 13 was marked.)

18 A. I see on the bottom right-hand corner that it's
19 labeled plan H2316. So I see that -- the TLC logo
20 again, Texas legislature's logo. And I do see it's
21 labeled house district 37. So it appears to be the
22 enacted plan.

23 Q. (BY MR. BRYANT) Okay. And this is one of the
24 districts that Dr. Flores analyzed and at -- you then
25 analyzed Dr. Flores' analysis. Is that fair?

1 A. I reviewed his analysis and offered my opinions
2 about it.

3 Q. Okay. And is one of your opinions regarding
4 house district 37 set forth at paragraph 37 of your
5 expert report?

6 A. I'm sorry. Is there -- I missed the question.

7 Q. Yeah. That was a question. But I'll ask it
8 again, hopefully more clearly.

9 Paragraph 37 of your expert report states,
10 While HD 37 appears to remain a majority Latino
11 district, the increase in non-SSVR minimizes Hispanic
12 voters' opportunity to elect a candidate of choice,
13 unquote.

14 Is that your opinion?

15 A. Yes, that is my opinion.

16 Q. And in expressing that opinion, are you using
17 the term minimize in the same way that you have in your
18 other opinions, namely to simply indicate some
19 reduction?

20 A. Yes. Indicating that it reduces.

21 Q. Okay. And do you have any knowledge as to the
22 actual election results in either 2024 or 2022 in house
23 district 37, as enacted by the Texas Legislature?

24 A. I don't have any recalled -- of the results.

25 Q. And do you have any knowledge as to whether any

1 or all of the candidates in house district 37, since
2 2021, have been Latino?

3 A. I can't recall that, no.

4 Q. Okay.

5 MR. BRYANT: Mark, could you please bring
6 up the exhibit that you have regarding the election
7 results in Texas house district 37?

8 MR. CSOROS: Does everyone see this on the
9 Exhibit 14?

10 (Exhibit Number 14 was marked.)

11 Q. (BY MR. BRYANT) Okay. This is Exhibit 14.
12 This document indicates that Janie Lopez was elected in
13 house district 37 in November 2022. Do you have any
14 reason to doubt the accuracy of that?

15 A. No, sir.

16 Q. Do you have any reason to doubt that Janie
17 Lopez is Latino?

18 A. I have absolutely no information or reason to
19 refute that, no.

20 MR BRYNT: And, Mark, if you could scroll
21 down to any information on that Exhibit 14 related to
22 the 2024 results, if any?

23 MR. CSOROS: I don't see that we have it in
24 this one.

25 MR. BRYANT: Okay.

1 Q. (BY MR. BRYANT) Is it fair to say that the
2 election of a Latino candidate to a district after the
3 enactment of Texas house district 37, by the Texas
4 Legislature in 2021, is irrelevant to you with respect
5 to your opinion as to the ability of Latinos to elect
6 their candidates of choice in that district?

7 A. This was a little bit of compound question. Is
8 there any way you can break that up?

9 Q. Sure. I think you expressed this opinion
10 earlier about other districts. Is it your position that
11 whether or not Latino candidates have actually been
12 elected in Texas house district 37 after 2021
13 redistricting is irrelevant to your opinion that you
14 express in paragraph 37, regarding the minimization of
15 Hispanic voters' opportunity to elect a candidate of
16 choice?

17 A. I don't have enough information here to
18 identify a candidate of choice or even Latino population
19 there.

20 Q. Okay. And that's true even if only Latino
21 candidates ran for election in house district 37 as
22 enacted by the Texas Legislature?

23 A. The information they would need for -- to make
24 that assessment would be the RPV analysis; some look at
25 block voting and who the candidates of choice were for

1 the minority group.

2 Q. Okay. I want to ask you to look in your expert
3 report back at that portion of your report in Texas
4 congressional plans. It's the second page of your
5 expert report that discusses a Dallas/Fort Worth area.

6 A. I have bullet point eight, Dallas/Fort Worth.

7 Q. Exactly. Now turn the page and look at
8 subpoint seven or VII. Do you have that in front of
9 you?

10 A. Yes, I can read that.

11 Q. You state, I will provide similar testimony of
12 the characteristics of the other maps included in my
13 appendices. I will also review the maps and plans
14 submitted by other experts and parties in this case and
15 provide my opinions on those plans, if asked.

16 Do you have any expectation that any other
17 experts -- strike that.

18 Do you have any expectation that you will
19 be asked questions about the maps or plans of other
20 experts in this case?

21 A. I could be. It's possible.

22 Q. Well, my question is not whether it's possible,
23 but whether you have any expectation that you will be?

24 A. I mean, it's -- you're asking me to guess
25 future concerns. I don't know what people are asking or

1 what is needed or whatever. I just know whenever I'm
2 asked to opine on something, that that's something that
3 could be in the realm of the possibility.

4 Q. Okay. You state in that paragraph that you
5 will also review the maps and plans submitted by other
6 experts and parties of this case. Do you have any plans
7 to do so?

8 A. It depends on if I'm asked, but at the moment,
9 I don't have any outstanding plans.

10 Q. Okay. I want to state on the record that the
11 defendants will object vehemently to you testifying at
12 trial on any subjects that are not in your expert report
13 and as to which we have not had a chance to ask you
14 questions and take discovery.

15 Similarly, you made a similar statement,
16 didn't you, at subparagraph 10 or X under B, Houston
17 area, do you see that on the next page of your expert
18 report?

19 A. I can scroll there and let you know. I see
20 subbullet X. And, yes, I see that.

21 Q. Okay. And do you have any plans to or have you
22 already reviewed any maps or plans submitted by other
23 experts or parties in this case?

24 A. I believe all the plans that I've been asked to
25 opine on and that I had asked to be -- asked to have

1 an opinion on or issue an opinion on are included in the
2 appendices and written in the report. I don't believe I
3 was asked about anything outside of that, but I can't
4 recall off the top of my head.

5 **Q. Have you been asked to or have you, in fact,**
6 **reviewed any maps or plans discussed by Dr. Barreto in**
7 **his expert report or reports?**

8 A. I reviewed his report, but I'm not sure the
9 context you mean.

10 **Q. Have you been asked to do any work with respect**
11 **to that report, any kind of review or critique or**
12 **analysis as to Dr. Barreto's report or any maps or**
13 **reports discussed therein?**

14 MS. DANAHY: Objection; vague. Presumably
15 Dr. Barreto --

16 THE REPORTER: I'm not getting that.

17 MS. DANAHY: I'm sorry. I will lean in.

18 Objection that it's vague to the extent
19 there's overlap between the plans discussed by
20 Dr. Rush's report and Dr. Barreto's.

21 MR. BRYANT: You can go ahead and answer.

22 A. I think I lost track of the question in that
23 objection.

24 **Q. (BY MR. BRYANT) Okay. My question is: Have**
25 **you done any review, critique or analysis of any of the**

1 maps or plans discussed in Dr. Barreto's expert reports
2 in this case?

3 MS. DANAHY: Same objection.

4 A. It's possible. I'd reviewed his report and
5 looked through that. I -- without having it in front of
6 me, I'm not exactly sure again what that entails.

7 Q. (BY MR. BRYANT) Okay. For the record, again,
8 defendants will object to your testifying as to anything
9 that was not encompassed within your own expert report
10 and analysis and that we haven't had a chance to ask you
11 about in your deposition.

12 Let's look down to the Texas house plans
13 part A in paragraph 7 or VII. Do you see a similar set
14 of verbiage regarding the Texas house plans in that
15 subparagraph?

16 A. Yes, I see that.

17 Q. Okay. Do you -- have you in fact reviewed or
18 do you expect to review any maps or plans submitted by
19 other experts or parties to this case between now and
20 the time you testify at trial?

21 A. I would expect so, if I were asked. Presently,
22 I haven't been asked, but it's possible.

23 Q. So if somebody asks you next week, you would do
24 that?

25 A. It depends on what's happening between now and

1 the trial. And it's possible that I could be asked
2 that, and that's within the realm of ---over.

3 Q. Okay. And, again, I want to note for the
4 record the defendants will strongly object to that or to
5 you doing any further work on this case or developing
6 new opinions or revising your opinions between now and
7 trial in a manner that would deprive us of the ability
8 to see them in your reports and to depose you about
9 them.

10 MR. BRYANT: Let's take a quick break and
11 hopefully we can finish up.

12 (Recess taken 5:26 p.m. to 5:30 p.m.)

13 Q. (BY MR. BRYANT) Dr. Rush, is it fair to say
14 that you have no expert opinion that Texas or the Texas
15 Legislature violated any laws in enacting the
16 redistricting plans that it enacted in 2021?

17 A. I'm -- I don't have a legal background, so I --
18 I'm not able to, right now, offer any legal analysis
19 that opines to that, so I don't have any opinion on
20 that.

21 Q. Okay. So you don't have any opinion that Texas
22 violated the law?

23 MS. DANAHY: Asked and answered.

24 A. I don't have an opinion to -- speaking to the
25 extent to which the maps that legislature adheres to

1 law.

2 Q. (BY MR. BRYANT) Okay. Do you agree that if
3 the Texas Legislature decided to put its additional
4 congressional districts that were added as a result of
5 the 2020 census, in one part of the state, it inevitably
6 effects the districts and other parts of the state?

7 MS. DANAHY: Objection; lack of foundation.

8 A. I'm -- I would have to weigh the information to
9 be able to answer that and offer an opinion.

10 Q. (BY MR. BRYANT) So based on the evidence that
11 we have seen in this deposition, Texas made a decision
12 to put one of the two new congressional districts that
13 it was allowed district 37 in -- mostly in Travis
14 County. Do you recall that map?

15 MS. DANAHY: I'm going to object just to
16 the extent that it misstates the record, and I believe
17 assumes facts not in evidence. I think the only thing
18 he saw was that in the enacted plan, the district is
19 numbered 37.

20 MR. BRYANT: Dr. Rush, you can answer.

21 A. I saw from one of the exhibits that there is a
22 map about Travis County.

23 Q. (BY MR. BRYANT) And did you see, also, that
24 Texas in its enacted congressional plan placed a new
25 congressional district 37 mostly in Travis County?

1 MS. DANAHY: Same objection as before.

2 You can answer, Dr. Rush.

3 A. The only thing I can really verify from looking
4 at that is that the label is new. I have no idea if 36
5 became 37 or so on, or what was in what district, so I
6 don't have enough information to offer an opinion about
7 that.

8 **Q. And you didn't do?**

9 THE REPORTER: Mr. Bryant, can we go off
10 the record?

11 (Pause in the proceedings.)

12 MR. BRYANT: I pass the witness.

13 MS. DANAHY: I don't have anything for
14 Dr. Rush.

15 MR. BRYANT: Dr. Rush, thank you very much
16 for all of your patience and testimony today, and I hope
17 we'll see you -- get to meet in person in El Paso soon.

18 THE WITNESS: Thank you. Thank you,
19 Scoros, thank you, Ashley.

20 THE REPORTER: Ms. Danahy, do you need to
21 order a copy the transcript?

22 MS. DANAHY: I do, yes. And I think we
23 just want a regular transcript, but I will let you know
24 if we need something quicker and we'll also read and
25 sign.

(Proceedings concluded at 5:34 p.m.)

CHANGES AND SIGNATURE

WITNESS NAME: TYE RUSH DATE: APRIL 24, 2025

Reason Codes: (1) to clarify the record; (2) to conform
to the facts; (3) to correct a transcription error;
(4) others (Please explain)

PAGE	LINE	CHANGE	REASON CODE
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Signature: _____ Date: _____

ACKNOWLEDGMENT OF DEPONENT

I, TYE RUSH, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted on the attached errata page.

TYE RUSH

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN)
AMERICA CITIZENS, ET AL.,)
Plaintiffs,)
)
) CASE NO.
VS.) 3:21-CV-00259-DCG-JES-
) JVB
)
GREG ABBOTT, ET AL.,)
Defendants)

REPORTER'S CERIFICATION

DEPOSITION OF TYE RUSH

APRIL 24, 2025

I, Ashley Cason, RSR, CSR, RPR, and Notary
Public, in and for the State of Texas, hereby certify to
the following:

That the witness, TYE RUSH, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the original deposition was delivered to
MOLLY DANAHY, Custodial Attorney;

That a copy of this certificate was served on
all parties and/or the witness shown herein on


_____.

1 I further certify that pursuant to FRCP No.
2 30(f)(i), the signature of the deponent:

3 was requested by the deponent or a party
4 before the completion of the deposition and that the
5 signature is to be returned within 30 days from date of
6 receipt of the transcript. If returned, the attached
7 Changes and Signature page contains any changes and the
8 reasons therefor;

9 I further certify that I am neither counsel
10 for, related to, nor employed by any of the parties or
11 attorneys in the action in which this proceeding was
12 taken. Further, I am not a relative or employee of any
13 attorney on record in this case, nor am I financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me this 28th of April, 2025.

16
17
18 
19 Ashley Cason, Texas CSR No. 10732
Expiration Date 09/30/2026
20 RSR, RPR No. 989070
INTEGRITY LEGAL SUPPORT SOLUTIONS
21 Firm Registration No. 528
9901 Brodie Lane, Suite 160-400
22 Austin, Texas 78748
512-320-8690

23
24
25

Exhibit 4

Tye Rush Curriculum Vitae,
(prior to 2023 Ph.D.)

Tye Rush

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 www.tyerush.com

EDUCATION **University of California, Los Angeles**, Los Angeles, CA

Ph.D., Political Science, *expected* 2023

Committee: Dr. Matthew A. Barreto (Chair), Dr. Natalie Masuoka, Dr. Lorrie Frasure, Dr. Loren Collingwood, and Chad Dunn, Esquire

Dissertation: *Staying in Power: The Origins of Voter ID Laws and Their Role in Electoral Strategy Today*

C. Phil, Political Science Summer 2020

Master of Arts, Political Science Fall 2019

University of California, Riverside, Riverside, CA

B.A., Political Science, June 2016

Magna Cum Laude

RESEARCH **Senior Policy Fellow**

September 2018 to Present

EXPERIENCE

UCLA Voting Rights Project

University of California, Los Angeles

Supervisor: Matt Barreto, Ph.D.

Redistricting and Voting Fellow

June 2019 to October 2019

Supervisor: Kathay Feng, J.D.

Common Cause

Los Angeles, CA

Voting Rights Research Consultant

June 2018 to June 2019

Supervisor: Matt Barreto, Ph.D.

Latino Decisions

Los Angeles, CA

Research Fellow

September 2017 to 2018

UCLA Latino Policy and Politics Initiative

University of California, Los Angeles

Supervisor: Matt Barreto, Ph.D.

Predoctoral Fellow

June 2016 to September 2016

UCLA Political Science: Race, Ethnicity, and Politics Subfield

University of California, Los Angeles

Supervisor: Matt Barreto, Ph.D.

Research Intern

March 2016 to July 2016

Supervisor: Michael Cohen, Ph.D.

Cohen Research Group

Washington, D.C.

Research Assistant

September 2015 to March 2016

Supervisor: Loren Collingwood, Ph.D.

University of California, Riverside

PUBLICATIONS

1. Lemi, D. C., Osorio, M., and Rush, Tye (2020). Introducing People Of Color Also Know Stuff. *PS: Political Science Politics*, 53(1), 140-141.

**WORKING
PAPERS &
PROJECTS**

1. Rush, Tye. "Jim Crow in a Brooks Brothers Suit: What Motivates State Legislators to Act on Voter ID Bills." (*Working paper*).
 - UCLA Bunche Center Rising to the Challenge Graduate Research Award, 2022
2. Rush, Tye. "Listen to Me When I'm Talking to You: The Impact of the 26th Amendment on Representation in Congress." (*Working paper*).

3. Rush, Tye. "Estimating the Effects of Strict Voter ID Laws at the County Level." (*Working paper*).
4. Rush, Tye, Matt Barreto, Chad Dunn, and Michael Rios. "How Framing Effects Impact Vote-By-Mail Uptake Among Communities of Color." (*Working paper*).
- Russell Sage Foundation Presidential Authority Grant (Matt Barreto and Chad Dunn) , 2020
5. Collingwood, Loren, Bryan Wilcox-Archuleta, Matt Barreto, and Tye Rush. "Who Nominates? Racial Polarization at the Nominating Petition Stage." (*Working paper*).
6. Barreto, Matt, Tye Rush, Jonathan Collins, and Greg Leslie. "The Effects of Racial Efficacy on African American Voter Enthusiasm." (*Working paper*).

PUBLIC
POLICY AND
LEGAL
WRITING

1. Portugal et al. v. Franklin County. (2022) Expert Report of Tye Rush on behalf of UCLA Voting Rights Project – Challenging Districting Rules and Proposed Maps. U.S. District Court for the Eastern District of Washington. <https://latino.ucla.edu/research/violation-of-the-washington-voting-rights-act-of-2018/>
2. "Vote Choice of Latino Voters in the 2020 Presidential Election." (2021) with the UCLA Latino Policy and Politics Initiative.
3. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Postage Requirement. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>
4. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Voting Burdens at Polling Locations. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>
5. "Protecting Public Health in the 2020 Elections." (2020) with the UCLA Voting Rights Project, Voting Rights Lab, and Union of Concerned Scientists Center for Science and Democracy.
6. "Protecting Democracy: Implementing Equal and Safe Access to the Ballot Box During a Global Pandemic." (2020) with the UCLA Voting Rights Project.
7. "Implementing and Assessing Automatic Voter Registration: Lessons Learned and Policy Recommendations to Improve Voter Registration in the U.S." (2020) with the UCLA Voting Rights Project.
8. "Debunking the Myth of Voter Fraud in Mail Ballots." (2020) with the UCLA Voting Rights Project, University of New Mexico Center for Social Policy, and Union of Concerned Scientists.
9. "Age Discrimination in Voting at Home.." (2020) with UCLA Voting Rights Project, Equal Citizens, Vote At Home, and The Andrew Goodman Foundation.
10. "Whitewashing Representation: How Using Citizenship Data to Gerrymander Will Undermine Our Democracy." (2019) with Common Cause Educational Fund.

AWARDS &
HONORS

External Awards

- CBC Spouses Education Scholarship, Congressional Black Caucus Foundation 2022–2023
- Princeton Dissertation Scholar, Princeton University: Bobst Center for Peace and Justice 2022
- Dissertation Fellow, Ford Foundation 2021–2022 (Deferred)
- President's Pre-Professoriate Fellow, University of California Office of the President 2021–2022
- Travel Grant, Class and Inequality Section of APSA 2021
- Lee Ann Fujii Travel Grant, APSA 2020, 2021, 2022
- Research Fellow at the Institute on Inequality and Democracy at UCLA Luskin 2019–2020
- Minority Fellow, American Political Science Association 2017–2018
- Travel Grant, American Political Science Association 2017
- MFP Travel Grant, APSA 2017
- Graduate Fellowship Award, BLU Educational Foundation 2016

University of California, Los Angeles

- UCLA Rising to the Challenge Graduate Summer Research Fellowship 2022
- Graduate Council Diversity Fellowship 2020
- Political Psychology Pre-Doctoral Research Fellowship 2019
- Graduate Summer Research Mentorship Award (2nd) 2018
- Political Psychology Fellowship 2017
- Graduate Summer Research Mentorship Award 2017
- Eugene V. Cota-Robles Graduate Fellowship 2016
- Race, Ethnicity, and Politics Pre-Doctoral Summer Fellowship 2016

University of California, Riverside

- Political Science Academic Excellence Award 2016
- Rosemary Schraer Memorial Scholarship 2015
- Mellon Advancing Intercultural Studies Seminar Fellowship 2015

TEACHING

- Careers in Political Science, Instructor Summer 2022
- Election Law and Voting Rights, Instructor Summer 2020, Summer 2021
- U.S. Latino Politics, Matt Barreto, Ph.D. Spring 2021
- Intro to American Politics, Lynn Vavreck, Ph.D. Winter 2019
- Intro to American Politics, Tom Schwartz, Ph.D. Fall 2018
- World Politics, Joslyn Barnhart, Ph.D. Spring 2018
- Introduction to Data Analysis, Jesse Acevedo, Ph.D. Winter 2018
- Politics of American Suburbanization, Lorrie Frasura-Yokley, Ph.D. Fall 2017

SERVICE AND
MENTORSHIP

- Board Member** February 2019 to Present
- People of Color Also Know Stuff
- POCexperts.org
- Lab Organizer** June 2018 to June 2020
- Race, Ethnicity, and Immigration Lab
- University of California, Los Angeles
- McNair Program Graduate Student Mentor** March 2019 to June 2020
- Academic Advancement Program
- University of California, Los Angeles
- Graduate Student Mentor** October 2020 to Present
- Black Educator Pipeline (BEP)
- BLU Educational Foundation

CONFERENCE
PARTICIPATION

- Politics of Race, Immigration, and Ethnicity Consortium (2015, 2017, 2019)
- American Political Science Association (2018, 2019)
- Western Political Science Association (2018, 2019)
- Midwest Political Science Association (2018, 2020)
- National Conference of Black Political Scientists (NCOBPS) (2018, 2020)
- Mellon Advancing Intercultural Studies Capstone Conference (2016)

MEMBERSHIP

- American Political Science Association (APSA)
- National Conference of Black Political Scientists (NCOBPS)
- Western Political Science Association (WPSA)
- Midwestern Political Science Association (MPSA)

COMPUTER
SKILLS

R, Stata, L^AT_EX, Markdown, Maptitude, Wordpress, ArcGIS, and qGIS

Exhibit 5

Dr. Tye Rush Curriculum Vitae
2025

Tye Rush

Email: [tarush\[at\]ucsd\[dot\]edu](mailto:tarush[at]ucsd[dot]edu)

Website: [www\[dot\]tyerush\[dot\]com](http://www[dot]tyerush[dot]com)

Department of Political Science
University of California, San Diego
Social Sciences Building 301
9500 Gilman Drive, #0521
La Jolla, CA 92093-0521

Academic Employment and Affiliations

- 2023-2025 *University of California President's Postdoctoral Fellow (PPFP)*
Department of Political Science, University of California, San Diego
Postdoctoral Fellow, Black Studies Project, UCSD
Postdoctoral Affiliate, Yankelovich Center for Social Science Research, UCSD
Postdoctoral Affiliate, Race and Ethnic Politics Lab, UCSD
- 2023- *Research Affiliate*, Voting Rights Project, UCSD

Education

- 2023 PhD in Political Science, University of California, Los Angeles
Committee: Dr. Matthew A. Barreto (Chair), Dr. Natalie Masuoka, Dr. Lorrie Frasure,
Dr. Loren Collingwood, and Chad Dunn, Esquire
Dissertation: *The Majority Rules: The Origins of Voter ID Laws and Their Role in Electoral Strategy Today*
- 2019 MA in Political Science, University of California, Los Angeles
- 2016 BA in Political Science/Public Service, University of California, Riverside

Publications

JOURNAL ARTICLES

- 2025 4. Rush, Tye, Chelsea Jones, Michael Herndon, and Matt Barreto (2025). "Catalysts of Insurrection: How White Racial Antipathy Influenced Beliefs of Voter Fraud and Support for the January 6th Insurrection." *The Journal of Race, Ethnicity, and Politics*, 1–21.
- 2024 3. Rush, Tye, Samuel Hall, and Matt Barreto (2024). "The Importance of Counting All Immigrants for Apportionment and Redistricting." *UC Law Journal*, 75(6), 1667-1692.
- 2023 2. Leslie, Greg, Tye Rush, Jonathan Collins, and Matt Barreto (2023). "The Effects of Racial Efficacy on African American Voter Enthusiasm." *Politics, Groups, and Identities*, 12(4), 782-805.
- 2020 1. Lemi, Danielle Casarez, Maricruz Osorio, and Tye Rush (2020). "Introducing People Of Color Also Know Stuff." *PS: Political Science & Politics*, 53(1), 140-141.

UNDER REVIEW

1. Uribe, Laura, Kailen Aldridge, Thad Kousser, Kyshan Nichols-Smith, and Tye Rush. "The Racial Gap over Trust in Elections (and how to close it)." (*Revise & Resubmit*).

IN PREPARATION

6. Laura Uribe, Kailen Aldridge, David Dablo, Thad Kousser, Jennifer L. Merolla, and Tye Rush. "The Determinants of Race and Ethnicity in Trust in Elections" (*Working project*).
5. Rush, Tye. "Jim Crow in a Brooks Brothers Suit: What Motivates State Legislators to Act on Voter ID Bills." (*Working paper*).
- UCLA Bunche Center Rising to the Challenge Graduate Research Award, 2022

4. Rush, Tye. “Rock the Roll-Call Vote: The Impact of the 26th Amendment on Representation in Congress.” (*Working paper*).

3. Rush, Tye. “Estimating the Effects of Strict Voter ID Laws at the County Level.” (*Working paper*).

2. Rush, Tye, Matt Barreto, Chad Dunn, and Michael Rios. “How Framing Effects Impact Vote-By-Mail Uptake Among Communities of Color.” (*Working paper*).

• Russell Sage Foundation Presidential Authority Grant (Matt Barreto and Chad Dunn), 2020

1. Collingwood, Loren, Bryan Wilcox-Archuleta, Matt Barreto, and Tye Rush. “Who Nominates? Racial Polarization at the Nominating Petition Stage.” (*Working paper*).

PUBLIC POLICY AND LEGAL WRITING

2022 10. Portugal et al. v. Franklin County. (2022) Expert Report of Tye Rush on behalf of UCLA Voting Rights Project – Challenging Districting Rules and Proposed Maps. U.S. District Court for the Eastern District of Washington. <https://latino.ucla.edu/research/violation-of-the-washington-voting-rights-act-of-2018/>

2021 9. “Vote Choice of Latino Voters in the 2020 Presidential Election.” (2021) with the UCLA Latino Policy and Politics Initiative.

2020 8. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Postage Requirement. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>

7. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Voting Burdens at Polling Locations. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>

6. “Protecting Public Health in the 2020 Elections.” (2020) with the UCLA Voting Rights Project, Voting Rights Lab, and Union of Concerned Scientists Center for Science and Democracy.

5. “Protecting Democracy: Implementing Equal and Safe Access to the Ballot Box During a Global Pandemic.” (2020) with the UCLA Voting Rights Project.

4. “Implementing and Assessing Automatic Voter Registration: Lessons Learned and Policy Recommendations to Improve Voter Registration in the U.S.” (2020) with the UCLA Voting Rights Project.

3. “Debunking the Myth of Voter Fraud in Mail Ballots.” (2020) with the UCLA Voting Rights Project, University of New Mexico Center for Social Policy, and Union of Concerned Scientists.

2. “Age Discrimination in Voting at Home..” (2020) with UCLA Voting Rights Project, Equal Citizens, Vote At Home, and The Andrew Goodman Foundation.

2019 1. “Whitewashing Representation: How Using Citizenship Data to Gerrymander Will Undermine Our Democracy.” (2019) with Common Cause Educational Fund.

Invited Talks

2024 Claremont Graduate University, Tuesday Talks Series
2023 University of California, Riverside, Political Science Speakers Series
University of California, Merced, Understanding Politics Seminar Series
2022 University of Texas LBJ School of Public Policy, Policy Talks Series

Awards and Honors

2023 President’s Postdoctoral Fellowship Program, University of California Office of the President
2022 CBC Spouses Education Scholarship, Congressional Black Caucus Foundation
Princeton Dissertation Scholar, Bobst Center for Peace and Justice at Princeton University

Rising to the Challenge Graduate Summer Research Fellowship, UCLA
 Lee Ann Fujii Travel Grant, American Political Science Association (3rd)
 2021 Dissertation Fellow, Ford Foundation (Deferred)
 President's Pre-Professoriate Fellow, University of California Office of the President
 Travel Grant, Class and Inequality Section, American Political Science Association
 Lee Ann Fujii Travel Grant, American Political Science Association (2nd)
 2020 Lee Ann Fujii Travel Grant, American Political Science Association
 Graduate Council Diversity Fellowship, UCLA
 2019 Research Fellow at the Institute on Inequality and Democracy, UCLA Luskin School of Public Affairs
 Political Psychology Pre-Doctoral Research Fellowship, UCLA
 2018 Graduate Summer Research Mentorship Award (2nd), UCLA
 2017 Minority Fellow, American Political Science Association
 Travel Grant, American Political Science Association
 MFP Travel Grant, APSA
 Political Psychology Fellowship, UCLA
 Graduate Summer Research Mentorship Award, UCLA
 2016 Graduate Fellowship Award, BLU Educational Foundation
 Eugene V. Cota-Robles Graduate Fellowship, UCLA
 Race, Ethnicity, and Politics Pre-Doctoral Summer Fellowship, UCLA
 Political Science Academic Excellence Award, UC Riverside
 2015 Rosemary Schraer Memorial Scholarship, UC Riverside
 Mellon Advancing Intercultural Studies Seminar Fellowship, UC Riverside

Teaching

INSTRUCTOR

2022 Careers in Political Science, UCLA
 2021 Election Law and Voting Rights, UCLA
 2020 Election Law and Voting Rights, UCLA

TEACHING ASSISTANT

2021 U.S. Latino Politics, UCLA, Matt Barreto
 2019 Intro to American Politics, UCLA, Lynn Vavreck
 2018 Intro to American Politics, UCLA, Tom Schwartz
 World Politics, UCLA, Joslyn Barnhart
 Introduction to Data Analysis, UCLA, Jesse Acevedo
 2017 Politics of American Suburbanization, UCLA, Lorrie Frasure-Yokley

Service and Mentorship

2024- Committee Member, First Generation Scholars Committee, Western Political Science Association
 2018- Reviewer for *Journal of Politics*, *Political Research Quarterly*, *Journal of Race, Ethnicity, and Politics*, *Politics, Groups, and Identities*
 2019-2024 Board Member, People of Color Also Know Stuff (POCexperts.org)
 2020-2021 Graduate Student Mentor, Black Educator Pipeline (BEP), BLU Educational Foundation
 2019-2020 McNair Program Graduate Student Mentor, Academic Advancement Program, UCLA
 2018-2020 Lab Organizer, Race, Ethnicity, and Immigration (REI) Lab, UCLA

Conference Participation

2024 American Political Science Association
 Brennan Center for Justice at NYU School of Law's "The Racial Turnout Gap in the 21st Century" Convening
 Election Science, Administration, & Research Conference
 Politics of Race, Immigration, and Ethnicity Consortium
 2023 Southern Political Science Association
 2020 Midwest Political Science Association
 2019 American Political Science Association

	National Conference of Black Political Scientists (NCOBPS)
	Politics of Race, Immigration, and Ethnicity Consortium
	Western Political Science Association
2018	American Political Science Association
	Midwest Political Science Association
	National Conference of Black Political Scientists (NCOBPS)
	Western Political Science Association
2017	Politics of Race, Immigration, and Ethnicity Consortium
2015	Politics of Race, Immigration, and Ethnicity Consortium

Research Experience

2023-2025	Postdoctoral Affiliate, Yankelovich Center for Social Science Research, UCSD
2018-2023	Senior Policy Fellow, UCLA Voting Rights Project
2019	Redistricting and Voting Fellow, Common Cause, Los Angeles, CA
2018-2019	Voting Rights Research Consultant, Latino Decisions, Los Angeles, CA
2017-2018	Research Fellow, UCLA Latino Policy and Politics Initiative
2016	Predoctoral Fellow, UCLA Political Science: Race, Ethnicity, and Politics Subfield
2016	Research InternCohen Research Group, Washington, D.C.
2015-2016	Research Assistant, Loren Collingwood, Ph.D, University of California, Riverside

Membership

American Political Science Association (APSA)
 Midwestern Political Science Association (MPSA)
 National Conference of Black Political Scientists (NCOBPS)
 Southern Political Science Association (SPSA)
 Western Political Science Association (WPSA)

Consulting

2023	4. New Mexico, 2023, Navajo Nation et al. v. San Juan County, Expert for plaintiffs related to redistricting.
	3. Texas, 2023, Petteway et al. v. Galveston County, Expert for plaintiffs related to redistricting.
2022	2. Washington, 2022, Portugal et al. v. Franklin County, Expert for plaintiffs related to redistricting.
2021	1. California, 2021, Consulting expert for Evitarus Inc. in regarding redistricting in Los Angeles City Council.

Computer Skills

R, Stata, L^AT_EX, Markdown, Mapititude, Wordpress, ArcGIS, and qGIS.